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1922-1923

FOOD AND DRUGS ACT

NOTICES OF JUDGMENT Nos. 10001-11000

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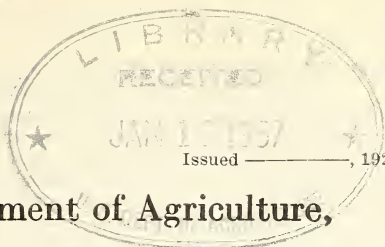


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United States Department of Agriculture,

BUREAU OF CHEMISTRY.

W. G. CAMPBELL, Acting Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS. SUPPLEMENT.

N. J. 10001-10050.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 8, 1922.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

10001. Misbranding of grapes. U. S. * * * v. Victor Berlin. Plea of guilty. Fine, \$25. (F. & D. No. 14565. I. S. No. 5685-t.)

On September 6, 1921, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Victor Berlin, Wilson, N. Y., alleging shipment by said defendant, on or about October 6, 1920, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Pennsylvania, of a quantity of grapes in unlabeled baskets, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On October 25, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10002. Misbranding of grapes. U. S. * * * v. Augustus J. Walker and Howard J. Walker (A. J. Walker & Son). Plea of guilty. Fine, \$50. (F. & D. No. 14721. I. S. Nos. 5905-t, 5906-t.)

On July 12, 1921, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Augustus J. Walker and Howard J. Walker, trading as A. J. Walker & Son, Naples, N. Y., alleging shipment by said defendants, on or about October 11, 1920, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Pennsylvania, of quantities of grapes in unlabeled baskets, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On September 13, 1921, a plea of guilty to the information was entered on behalf of the defendant firm, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10003. Misbranding of grapes. U. S. * * * v. Niagara River Fruit Growers Association, a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 14759. I. S. No. 5909-t.)

On July 12, 1921, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Niagara River Fruit Growers Association, a corporation, Model City, N. Y., alleging shipment by said company, on or about October 8, 1920, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Pennsylvania, of a quantity of grapes in unlabeled baskets, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 6, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10004. Misbranding of apples and pears. U. S. * * * v. Newton J. Barry. Plea of guilty. Fine, \$50. (F. & D. No. 14902. I. S. Nos. 5901-t, 5936-t.)

On July 12, 1921, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Newton J. Barry, Millers, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Pennsylvania, on or about October 9, 1920, of a quantity of apples in barrels, and on or about January 15, 1921, of a quantity of pears in barrels, which were misbranded.

Misbranding of the articles was alleged in the information for the reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On October 25, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10005. Misbranding of grapes. U. S. * * * v. Fred J. Taylor. Plea of guilty. Fine, \$50. (F. & D. No. 14903. I. S. No. 5908-t.)

On July 12, 1921, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Fred J. Taylor, Ripley, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about October 13, 1920, from the State of New York into the State of Pennsylvania, of a quantity of grapes in unlabeled baskets, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 6, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10006. Adulteration and misbranding of olive oil. U. S. * * * v. 13 Cans, More or Less, of White Star Brand Olive Oil. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 15116. I. S. Nos. 8074-t, 8075-t. S. No. E-3406.)

On July 6, 1921, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 13 cans, more or less, of olive oil, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Yohalem & Diamond, New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about May 21, 1921, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in

part for the said article, and for the further reason that it had been mixed in a manner whereby its damage or inferiority was concealed.

Misbranding was alleged in substance in the libel for the reason that the labels of the cans containing the said article bore the following statements, designs, and devices regarding the article and the ingredients and substances contained therein, to wit, (half-gallon cans) "Olio Sopraffino Puro D'Oliua Garantito soto qualunque Analisi Chimica Contents One Full Half Gallon," (half-gallon and quarter-gallon cans) "Olio Puro D'Oliua" (design showing cherub holding olive branches), (quarter-gallon cans) "This Olive Oil is guaranteed to be absolutely pure under chemical analysis" (same statements in Italian), which were false and misleading. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article and for the further reason that it was falsely branded as to the country in which it was manufactured or produced. Misbranding was alleged with respect to the article contained in the half-gallon cans for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 7, 1922, Nathan Yohalem and Joseph Diamond, copartners, trading as Yohalem & Diamond, New York, N. Y., claimants, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10007. Adulteration of color. U. S. * * * v. 2 Cans of Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15157. I. S. Nos. 13621-t, 13622-t. S. No. E-3220.)

On September 17, 1921, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cans of color, consisting of one 5-pound can of red shade and one 5-pound can of yellow shade, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about March 31, 1921, and transported from the State of Missouri into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that sodium sulphate and sodium chlorid had been mixed and packed with, and substituted wholly or in part for, the said article. Adulteration was alleged for the further reason that the said article contained an added poisonous and deleterious ingredient, to wit, arsenic, which might render it injurious to health.

On November 1, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10008. Misbranding of Gold Medal compound pills. U. S. * * * v. 6 Dozen Boxes of Gold Medal Compound Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15347. Inv. No. 33219. S. No. E-3556.)

On August 31, 1921, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 dozen boxes of Gold Medal compound pills, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by S. Pfeiffer Mfg. Co., St. Louis, Mo., on or about January 19, 1920, and transported from the State of Missouri into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Circular) "Gold Medal Compound Pills Begin by taking one Pill before each meal * * * Four or five days before the expected appearance of the menstrual flow, drink freely * * * of hot ginger tea * * * in cases of suppressed menstruation."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of sugar-coated pills containing aloes, iron sulphate, and pennyroyal oil.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects thereof, appearing in the circular accompanying the said article, were

false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently and to create in the minds of purchasers thereof the impression and belief that the said article was effective, among other things, as a treatment for suppressed menstruation, whereas, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On November 1, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10009. Adulteration of baled hay. U. S. * * * v. 21,170 Pounds of Baled Hay. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15402. I. S. No. 9326-t. S. No. E-3590.)

On September 30, 1921, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 21,170 pounds of baled hay, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by H. T. Hopkins, Alfalfa, Ala., on or about May 1, 1921, and transported from the State of Alabama into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly and [or] in part of a filthy, decomposed, and putrid vegetable substance, to wit, musty, moulded, dark, burnt, weak, bleached, and rotten fiber vegetable substances and dried-out product.

On November 1, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal as "Adulterated, moulded, and damaged hay."

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10019. Misbranding of T. B. Donaldson's Wonderful New Life remedy. U. S. * * * v. 33 Dozen Bottles of T. B. Donaldson's Wonderful New Life Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11908. I. S. No. 15211-r. S. No. E-1949.)

On February 6, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 33 dozen bottles of T. B. Donaldson's Wonderful New Life remedy, at Atlantic City, N. J., alleging that the article had been shipped by the T. B. Donaldson Medicine Co., Philadelphia, Pa., on or about December 18 and 20, 1919, respectively, and transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottles) "T. B. Donaldson's Wonderful New Life Remedy * * * For All Blood Diseases Stomach And Liver Difficulties Such as Dyspepsia, Biliousness, Syphilis, Scrofula, Erysipelas, Catarrh, Liver Complaints, Rheumatism, Enlargements Of Liver, Diseases Of The Kidneys, Chronic Constipation And Nervous Debility. * * * It is a genuine blood cleanser, stomach and liver regulator. It is one of the greatest kidney medicines in the world. It clears the urinal organs and strengthens the bladder, gives vitality, vigor, and vim to manhood"; (cartons) "T. B. Donaldson's Wonderful New Life * * * A Splendid Tonic And System Purifier For all Blood Diseases, Stomach and Liver Difficulties * * * for Dyspepsia, Biliousness, Syphilis, Scrofula, Erysipelas, Catarrh, Liver Complaints, Rheumatism, Enlargement of Liver, Disease of the Kidneys. Chronic Constipation and Nervous Debility. * * * is one of the greatest kidney remedies on the face of the earth. It is indeed a New Life remedy, extracted from nature, from herbs which contains all the life and nutrition of food that is necessary. The large and small intestines are kept clean, and in fine condition, also the urinary organs are kept free and clear; from berries, which relieves inward pains, takes away bloating, swelling and dropsical condition. Blossoms and leaves to keep the * * * digestion in motion, and proper condition to excavate the food. Barks and seeds to strengthen the system, takes uric acid out of the blood, therefore, cures rheumatism, regulates the liver and commands the heart to its proper motion, quiets the nerves, clears the airal passages therefore, swimming in the head, dizziness, uneasiness, delirium conditions, in other words, if you are drowsy and lazy these seeds will spur you up; honey and glycerine, brown

sugar and licorice root for the lungs and phlegmatic conditions of the system and to allay the bitter mass of the two aloes of different duties, which takes gastric juice and superfluous of sour mass of acid oxygen from the stomach, therefore, it cures indigestion, * * * ; (circular) " * * * T. B. Donaldson's Wonderful New Life Remedy The Germ Exterminator As an unparalleled Medicine for the Blood! It has stood the test of ages, and now stands as a pier for all diseases of the system; emanating from the vital organs, such as Stomach and Liver Difficulties, Dyspepsia, Biliousness, Syphilis, Scrofula, Erysipelas, Catarrh, Liver Complaint, Rheumatism, Enlargement of the Liver, Diseases of the Kidneys, Chronic Constipation and Nervous Debility. * * * It is a Genuine Blood Cleanser, Stomach and Liver Regulator. It is one of the greatest Kidney Medicines in the world. It clears the urinal organs and strengthens the bladder, gives vitality, vim and vigor to manhood. * * * 100,000 People Cured * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained extracts of vegetable drugs, including senna, sulphate, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing on the labels of the bottles and cartons containing the said article and in the accompanying circular were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effect claimed.

On July 11, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10011. Adulteration and misbranding of sirup. U. S. * * * v. 79 Barrels * * * of Sirup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13129. I. S. No. 3903-t. S. No. C-2065.)

On August 3, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 79 barrels, more or less, of sirup, at Chicago, Ill., alleging that the article had been shipped by the Federal Extract Works, Rochester, N. Y., June 21, 1920, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that a certain substance, to wit, saccharin, had been substituted in whole or in part for sirup, which the said article purported to be; for the further reason that the said substance had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; for the further reason that it had been mixed and packed in a manner whereby damage and inferiority were concealed; and for the further reason that it contained an added poisonous and deleterious ingredient, to wit, saccharin, which might render said article injurious to health.

Misbranding was alleged for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, namely, "Double Blended Syrup, containing 65% cane sugar and 35% invert sugar, including malt sugar."

On October 6, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10012. Adulteration and misbranding of extra dry champagne and sparkling Burgundy. U. S. * * * v. 10 Drums, 50 Cases, and 22 Cases * * * of Extra Dry Champagne * * * and 12 Cases * * * of Sparkling Burgundy * * *. Consent decree of condemnation and forfeiture with respect to 22 cases of extra dry champagne and 12 cases of sparkling Burgundy and products released under bond. Default decrees of condemnation, forfeiture, and destruction with respect to remainder. (F. & D. Nos. 13805, 13806, 13807. I. S. Nos. 1984-t, 1985-t, 1977-t, 1978-t. S. Nos. C-2555, C-2558, C-2559.)

On October 29, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and

condemnation of 10 drums and 72 cases of extra dry champagne, nonalcoholic, and 12 cases of sparkling Burgundy, nonalcoholic, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the articles had been shipped in part by H. G. Mumm & Co., New York, N. Y., July 28 and August 10, 1920, respectively, and in part from Columbus, Ohio, September 1, 1920, and transported from the States of New York and Ohio, respectively, into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the articles was alleged in the libels for the reason that imitation products, artificially carbonated, had been mixed and packed with, and substituted wholly or in part for, nonalcoholic champagne and nonalcoholic sparkling Burgundy. Adulteration was alleged for the further reason that the articles were artificially colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the articles bore labels, respectively, in part as follows, "Unfermented H. G. Mumm & Company Extra Dry Champagne Non-Alcoholic. H. G. Mumm & Company, Distributors, Bordeaux, France, New York, Chicago," and "Non-Alcoholic H. G. Mumm & Company Sparkling Burgundy Style * * *," which labels were false and misleading and deceived and misled the purchaser in that the said articles were not extra dry champagne and sparkling Burgundy. Misbranding was alleged for the further reason that the articles were imitations of, and sold under the distinctive names of, other articles, to wit, extra dry champagne and sparkling Burgundy, respectively. Misbranding of a portion of the extra dry champagne was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 20, 1921, the Steele-Wedeles Co., Chicago, Ill., claimant, having admitted the allegations of the libel filed in the case of the 22 cases of extra dry champagne and 12 cases of sparkling Burgundy, and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said portion of the products be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the articles be labeled in harmony with the Federal Food and Drugs Act. On October 6, 1921, no claimant having appeared for the remainder of the extra dry champagne, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10013. Misbranding of peaches. U. S. * * * v. Charles E. Dean. Plea of guilty. Fine, \$5 and costs. (F. & D. No. 14313. I. S. No. 3054-t.)

On April 25, 1921, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment against Charles E. Dean, Marble Hill, Ind., charging shipment by said defendant, on or about August 24, 1920, in violation of the Food and Drugs Act, as amended, from the State of Indiana into the State of Ohio, of a quantity of peaches in unlabeled baskets, which were misbranded.

Misbranding of the article was charged in the indictment for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 31, 1921, the defendant entered a plea of guilty to the indictment, and the court imposed a fine of \$5 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10014. Misbranding of McMullin's tonic. U. S. * * * v. 6 Half-Pint Bottles of * * * McMullin's Tonic, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14842, 14852. I. S. Nos. 10789-t, 10792-t. S. Nos. W-918, W-919.)

On May 3 and 5, 1921, respectively, the United States attorney for the District of New Mexico, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 14 half-pint bottles, 16 pint bottles, and 4 quart bottles of McMullin's tonic, remaining unsold in the original packages at Tucumcari and

Raton, N. M., respectively, alleging that the article had been shipped by the Tilden McMullin Co., Sedalia, Mo., October 27, 1920, and March 10, 1921, respectively, and transported from the State of Missouri into the State of New Mexico, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) " * * * Tonic * * * Affords cure and relief [great relief] in cases of * * * Consumption, Asthma, Catarrh, and Bronchitis."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a mixture of alcohol, glycerin, and water, with traces of phenol and iodid.

Misbranding of the article was alleged in the libels for the reason that the above-quoted statements upon the said bottles, regarding the curative and therapeutic effects of the said article, were false and fraudulent in that it contained no ingredient or combination of ingredients capable of producing the results and effects claimed.

On August 10, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10015. Adulteration and misbranding of artificial raspberry soda. U. S. * * * v. Ellis Duke and Wolf Rosett (The Eagle Bottling Co.). Pleas of guilty. Fines, \$50. (F. & D. No. 14910. I. S. No. 24938-r.)

On June 28, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Ellis Duke and Wolf Rosett, copartners, trading as the Eagle Bottling Co., Washington, D. C., alleging that on May 27, 1920, the said defendants did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of artificial raspberry soda which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained saccharin and artificial flavor and that it was colored with a coal-tar dye.

Adulteration of the article was alleged in the information for the reason that substances, to wit, saccharin and synthetic esters, had been mixed and packed with the article so as to injuriously affect its quality and had been substituted wholly or in part for the article; for the further reason that substances, to wit, saccharin and synthetic esters, and a coal-tar dye which reacts like amaranth, had been added and mixed with the said article in a manner whereby its damage and inferiority were concealed; and for the further reason that a poisonous and deleterious ingredient, to wit, saccharin, had been added to the said article, thereby rendering it injurious to health.

Misbranding was alleged in substance for the reason that the statement, to wit, "Raspberry Artificial," borne in small lettering in an inconspicuous place on the bottle caps, and the statement, to wit, "Palmer Brand 8 Flu Oz., Washington, D. C. Property of S. C. Palmer Co., Inc.," blown in the bottles containing the article, concerning the article and the ingredients and substances contained therein, were false and misleading in that the said caps are removed before serving and after the purchaser has ordered raspberry soda, and in that the contents of the said bottles were not prepared and placed therein by the said S. C. Palmer Co., Inc., but the original contents had been removed and other contents substituted, and for the further reason that the statement, to wit, "Raspberry Artificial," was false and misleading when applied to an article which contained no juice, flavor, or essence obtained from raspberry fruit and which did contain a coloring matter, to wit, coal-tar dye, which reacts like amaranth, and which said coloring matter was not declared upon the label of the said bottles. Misbranding was alleged for the further reason that the article was labeled as aforesaid, and the word "Artificial" so placed on the said bottle caps as to be removable before sale and serving so as to deceive and mislead the purchaser into the belief that the said article was raspberry soda, whereas, in truth and in fact, it was a product composed in part of saccharin, synthetic esters, and a coal-tar dye, which reacts like amaranth, and was neither a true raspberry soda nor a permitted artificial raspberry soda, and for the further reason that the article was misbranded as to the name and address of the manufacturer in that the contents of the said bottles as originally put up had been wholly removed and other contents substituted and placed therein. Misbranding was alleged for

the further reason that the article was a product composed in part of saccharin, synthetic esters, and a coal-tar dye, which reacts like amaranth, prepared in imitation of, and sold under the distinctive name of, another article, to wit, raspberry soda.

On June 28, 1921, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate sum of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10016. Adulteration and misbranding of prepared mustard. U. S. * * * v. 4 Barrels * * * of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15025. I. S. No. 5483-t. S. No. E-3418.)

On July 13, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 barrels of prepared mustard, remaining in the original unbroken packages at Lowell, Mass., alleging that the article had been shipped by Plochman & Witt, Chicago, Ill., on or about August 26, 1920, and transported from the State of Illinois into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Standard Brand Prepared Mustard Colored With Turmeric 50 Gals. Plochman & Witt Chicago."

Adulteration of the article was alleged in the libel for the reason that substances, to wit, mustard hulls and an excessive quantity of starch, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for prepared mustard, which the said article purported to be. Adulteration was alleged for the further reason that a coloring matter, to wit, turmeric, had been added and mixed with the said article in a manner whereby its damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statement, to wit, "Standard Brand Prepared Mustard," borne on the barrels containing the article, concerning the article and the substances and ingredients contained therein, was false and misleading, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was prepared mustard of standard quality, whereas, in truth and in fact, it was not prepared mustard of standard quality, but was a product containing mustard hulls and an excessive quantity of cornstarch. Misbranding was alleged for the further reason that the article was a product composed wholly or in part of mustard hulls and an excessive quantity of cornstarch and a coloring matter, to wit, turmeric, and was prepared in imitation of, and offered for sale under the distinctive name of, another article, to wit, prepared mustard.

On November 14, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10017. Misbranding of Lung Germine. U. S. * * * v. 6 Bottles and 1½ Dozen Bottles of Lung Germine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15130, 15131. Inv. Nos. 32683, 32684. S. No. E-3417.)

On July 11, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2 dozen bottles of Lung Germine, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Lung Germine Co., Jackson, Mich., on or about April 7, May 31, and June 19, 1921, respectively, and transported from the State of Michigan into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained sulphuric acid, a small amount of iron sulphate, a trace of aromatics, about 2 per cent of alcohol, and water.

Misbranding of the article was alleged in the libels for the reason that the labeling bore certain statements, designs, and devices regarding the curative and therapeutic effect of the said article or the ingredients and substances contained therein, which were false and fraudulent.

On November 7, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10018. Adulteration of tomato pulp. U. S. * * * v. 17 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15141. I. S. No. 5085-t. S. No. E-3425.)

On July 16, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 17 cases, each containing 6 unlabeled cans, of tomato pulp, remaining unsold in the original unbroken packages at Cambridge, Mass., alleging that the article had been shipped by the Lin-Del Co., Inc., Middleport, N. Y., on or about May 7, 1921, and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On November 14, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10019. Misbranding of olive oil. U. S. * * * v. 8 Cases * * *, 40 Cases * * *, and 12 Cases * * * of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15668. I. S. Nos. 3544-t, 3545-t, 3546-t. S. No. C-3335.)

On November 29, 1921, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 cases, half-pint cans, 40 cases, pint cans, and 12 cases, quart cans, of olive oil, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Old Monk Olive Oil Co., Chicago, Ill., October 21, 1921, and transported from the State of Illinois into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "France Old Monk Trade Mark Olive Oil Virgin * * * Net Contents One Half Pint" (or "One Pint" or "One Quart").

Misbranding of the article was alleged in the libel for the reason that the statements on the respective sized cans, "Net Contents One Half Pint," "One Pint," or "One Quart," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 2, 1921, the Old Monk Olive Oil Co., Chicago, Ill., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10020. Adulteration and misbranding of ground barley. U. S. * * * v. Upton Mill & Elevator Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 13928. I. S. Nos. 12161-r, 12173-r, 24627-r.)

On May 17, 1921, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Upton Mill & Elevator Co., a corporation, Minneapolis, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, from the State of Minnesota into the State of Indiana, on or about August 28, 1919, of two consignments of ground barley, and on or about August 30, 1919, of one consignment of the same, all of which was adulterated and misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed that the shipment of August 30 contained at least 12 per cent of oats, including wild oats, that one shipment of August 28 contained about 12 per cent of oats, including wild oats, a little chaff, and weed seeds, and that the

other shipment of August 28 contained at least 9 per cent of oats, including wild oats, and a small amount of weed seeds.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, oats, weed seeds, and other foreign material, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for ground barley, which the article purported to be.

Misbranding was alleged for the reason that the article was a mixture composed in part of oats, weed seeds, and other foreign material, and was prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, ground barley, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding was alleged with respect to a portion of the said article for the further reason that the statement, to wit, "Gr-Barley," borne on the tags attached to the sacks containing the said article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of ground barley, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of ground barley, whereas, in truth and in fact, the said article did not so consist but did consist in part of oats, weed seeds, and other foreign material.

On October 4, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10021. Adulteration and misbranding of ground barley. U. S. * * * v. Gould Grain Co., a Corporation. Plea of guilty. Fine, \$1. (F. & D. No. 13929. I. S. No. 12165-r.)

On May 17, 1921, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Gould Grain Co., a corporation, trading at Minneapolis, Minn., alleging shipment by said company, on or about September 5, 1919, in violation of the Food and Drugs Act, as amended, from the State of Minnesota into the State of Indiana, of a quantity of ground barley which was adulterated and misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it contained at least 7 per cent of oats, including wild oats, also a considerable amount of weed seeds.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, oats, weed seeds, and other foreign material, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for ground barley, which the said article purported to be.

Misbranding was alleged for the reason that the article was a mixture composed in part of oats, weed seeds, and other foreign material, and was prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, ground barley. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 7, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$1.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10022. Adulteration and misbranding of whole ground barley. U. S. * * * v. Albert Dickinson Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 13931. I. S. No. 12166-r.)

On May 17, 1921, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Albert Dickinson Co., a corporation, trading at Minneapolis, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 27, 1919, from the State of Minnesota into the State of Indiana, of a quantity of whole ground barley which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 8.51 per cent of crude fiber. Examina-

tion of a sample by said bureau showed that it contained at least 5 per cent of oats, including wild oats, and that it also contained wheat bran, weed seeds, and a trace of cottonseed meal.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, oats, wheat bran, weed seeds, and other foreign materials, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for ground barley, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Whole Ground Barley" and "Fibre 7.5%," borne on the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the said article consisted only of whole ground barley and that it contained not more than 7.5 per cent of fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted only of whole ground barley and that it contained not more than 7.5 per cent of fiber, whereas, in truth and in fact, it did not consist only of whole ground barley but did consist in part of oats, wheat bran, weed seeds, and other foreign material, and it did contain more than 7.5 per cent of fiber, to wit, approximately 8.51 per cent of fiber. Misbranding was alleged for the further reason that the article was a mixture composed in part of oats, wheat bran, weed seeds, and other foreign material, and was prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, whole ground barley.

On October 7, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10023. Misbranding of Euca-Mul. U. S. * * * v. 6 Dozen and 6 Dozen Bottles of Euca-Mul. Default decrees ordering the destruction of the product. (F. & D. Nos. 14251, 14252. Inv. Nos. 26966, 26967. S. Nos. C-2739, C-2740.)

On January 26, 1921, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 12 dozen bottles of Euca-Mul, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the E. G. Binz Co., Los Angeles, Calif., on or about November 6, 1920, and transported from the State of California into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "* * * Indicated In Croup * * * Bronchial Asthma Tuberculosis Whooping Cough And Other Throat And Lung Affections * * * relieves * * * bronchial asthma. Especially effective in cough of phthisis and Whooping Cough. * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was an emulsion consisting essentially of sugar, gum, eucalyptus oil, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing on the label of the bottle containing the said article, regarding its curative and therapeutic effects, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effect claimed.

On October 28, 1921, no claimant having appeared for the property, judgments of the court were entered ordering that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10024. Adulteration and misbranding of port hot, port hot cherry, apple, orange, port hot Clico, port hot apple, and blackberry punch beverages. U. S. * * * v. One Keg of Port Hot, et al. Default decrees finding products adulterated and misbranded and ordering their destruction. (F. & D. Nos. 14459, 14460, 14461, 14462. Inv. Nos. 27405, 27406, 27407, 27408, 27409, 27412, 27415, 27416. S. Nos. C-2719, C-2720, C-2721, C-2722, C-2723.)

On February 19, 1921, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2 kegs of port hot, 1 keg of port hot cherry, 1 keg of apple, 1 keg of orange, 1 keg of port hot Clico, 1 keg of port hot apple, and 1 barrel of

blackberry punch beverages, at Fort Smith, Winslow, Booneville, and Chismville, Ark., respectively, and on March 1, 1921, an amended libel was filed with respect to a portion thereof, which libels and amended libel alleged that the blackberry punch had been shipped by the Crown Beverage Co., St. Louis, Mo., and that the remainder of the articles had been shipped by the Arlette Fruit Products Co., St. Louis, Mo., on or about November 20 and December 2, 6, and 11, 1920, respectively, and transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the articles was alleged in substance in the libels for the reason that they were artificially colored mixtures of sucrose, invert sugar, and saccharin and water, preserved with benzoate of soda, which was not declared on the labels, and that certain of the said articles, to wit, port hot and port hot Cllico, contained capsicum and an imitation wine flavor. Adulteration was alleged in substance for the further reason that the articles were mixed and colored in a manner whereby damage or inferiority was concealed and for the further reason that they contained an added poisonous and deleterious material, saccharin, which might render them injurious to health.

Misbranding was alleged in substance for the reason that certain statements on the labels of the respective kegs or barrel containing the said articles, to wit, "Port Hot," "Cherry," "Orange Sweet," "Port Hot Cllico," "Blackberry Punch," [and "Apple"] and "Guarantee the Contents of this Package to Comply with all Laws," were false and misleading and deceived and misled the purchaser; for the further reason that the said articles were imitations of, and were offered for sale under the distinctive names of, other articles; and for the further reason that the quantity and contents of the said articles were not plainly and conspicuously marked on the outside of the packages.

On August 11, 1921, no claimant having appeared for the property, judgments of the court were entered finding the products to be adulterated and misbranded and ordering their destruction by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10025. Adulteration and misbranding of whole ground barley feed. U. S. * * * v. Culbert Milling Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 14505. I. S. No. 9099-r.)

On May 17, 1921, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Culbert Milling Co., a corporation, Minneapolis, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 22, 1919, from the State of Minnesota into the State of Missouri, of a quantity of whole ground barley feed which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 2.60 per cent of ether extract (crude fat) and 14.83 per cent of crude fiber. Examination of a sample by said bureau showed that it contained a considerable amount of ground oats, with weed seeds also present.

Adulteration of the article was alleged in the information for the reason that substances, to wit, oats, weed seeds, and other foreign material, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for ground barley feed, which the said article purported to be.

Misbranding was alleged for the reason that the following statements, to wit, "Ground Barley Feed" and "Crude Fat at least 3.5% Crude Fibre not more than 9.0%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the said article was ground barley feed and that it contained not less than 3.5 per cent of crude fat and not more than 9.0 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was ground barley feed and that it contained not less than 3.5 per cent of crude fat and not more than 9 per cent of crude fiber, whereas, in truth and in fact, it was not ground barley feed but was a product containing oats, weed seeds, and other foreign material, and it contained less than 3.5 per cent of crude fat and more than 9 per cent of crude fiber.

On October 3, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10026. Misbranding of DuBois Pefic pills. U. S. * * * v. 11 Dozen Boxes * * * of DuBois Pefic Pills. Default decree ordering destruction of the product. (F. & D. No. 14651. Inv. No. 26992. S. No. C-2882.)

On March 18, 1921, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 11 dozen boxes of DuBois Pefic pills, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by William J. Baumgartner, Detroit, Mich., on or about February 5, 1921, and transported from the State of Michigan into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained aloes and iron sulphate and were coated with a mixture of sugar and calcium carbonate.

Misbranding of the article was alleged in substance in the libel for the reason that the statement appearing in the circular accompanying the article, to wit, " * * * DuBois Pills which are purely vegetable * * * " was false and misleading, since the said article was not purely vegetable, and for the further reason that the following statements regarding the curative and therapeutic effects, appearing in the said circular, to wit, " * * * Reliable Female Tonic and Regulator. * * * for relieving general female disorders. Needless pain and suffering may be prevented by the use of DuBois Pills * * * A female tonic exerting helpful medicinal action over the female organs. * * * in the relieving of pain, due to leucorrhea, etc., and regulating the menses. * * * a tonic for the female organs * * * suppressed menstruation, painful menstruation, inflammation of the vagina caused by anemia, etc. * * * For leucorrhea. * * * In cases of menstrual disturbances * * * " were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On October 28, 1921, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10027. Adulteration of canned water loganberries. U. S. * * * v. 24 Cases * * * of Canned Water Loganberries. Default decree ordering the destruction of the product. (F. & D. No. 14698. I. S. No. 2109-t. S. No. C-2956.)

On April 8, 1921, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 cases of canned water loganberries, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Puyallup & Sumner Fruit Growers' Canning Co., Puyallup, Wash., on or about November 17, 1920, and transported from the State of Washington into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, (can) "Famous Puyallup Brand Water Loganberries * * * Grown and Packed by the Puyallup and Sumner Fruit Growers' Association, Canneries at Sumner and Puyallup, Washington. * * * "

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On October 28, 1921, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10028. Adulteration and misbranding of barley feed. U. S. * * * v. Sheffield Elevator Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 14734. I. S. No. 8974-r.)

On October 10, 1921, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sheffield Elevator Co., a corporation, Minneapolis, Minn., alleging shipment by said company, on or about October 6, 1919, in violation of the Food and Drugs Act, as amended, from the State of Minnesota into the State of Missouri, of a quantity of barley feed which was adulterated and misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it contained from 12.5 per cent to 16.5 per cent of oats, including wild oats and a few weed seeds.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, oats, wild oats, and weed seeds, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for barley feed, which the said article purported to be.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 10, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10029. Adulteration of chili powder. U. S. * * * v. 35 Cases of Chili Powder * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15047. I. S. No. 10902-t. S. No. W-980.)

On June 30, 1921, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 35 cases of chili powder, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Gebhardt Chili Powder Co., San Antonio, Tex., on or about February 17 and June 17, 1920, respectively, and transported from the State of Texas into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, (cans and cases) "Gebhardt's Eagle Chili Powder * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On July 21, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10030. Misbranding of Dr. Hiatt's Germicide. U. S. * * * v. James A. Hiatt and George W. Deuker (Hiatt Germicide Co.). Plea of guilty by defendant Hiatt. Fine, \$100 and costs. Indictment nolle prossed as to defendant Deuker. (F. & D. No. 10052. I. S. No. 9754-p.)

On May 1, 1920, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, returned in the District Court of the United States for said district an indictment against James A. Hiatt and George W. Deuker, copartners, trading under the name of the Hiatt Germicide Co., Richmond, Ind., charging shipment by said defendants, on or about October 22, 1917, in violation of the Food and Drugs Act, as amended, from the State of Indiana into the State of Ohio, of a quantity of an article labeled in part "Dr. Hiatt's Germicide," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a sirup containing a benzoate, alcohol, and a trace of phenol.

It was charged in substance in the indictment that the article was misbranded for the reason that certain statements appearing on the bottle labels and upon the cartons inclosing the bottles falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for croup, diphtheria, quinsy, sore throat, catarrh, coughs, colds, inflamed mucous membranes, chronic throat diseases, and all forms of catarrh, and effective to relieve croup, hay fever, and cold in the head, when, in truth and in fact, it was not.

On May 17, 1920, a plea of guilty to the indictment was entered by the defendant Hiatt, and the court imposed a fine of \$100 and costs. On the same date, a plea of not guilty was entered by the defendant Deuker, and the indictment was nolle prossed as to said defendant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10031. Adulteration of canned salmon. U. S. * * * v. 100 Cases of Canned Salmon * * *. Default decree declaring product to be adulterated and ordering its destruction. (F. & D. Nos. 13221, 13222, 13223. I. S. No. 9076-t. S. No. E-2495.)

On August 13, 1920, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases of canned salmon, remaining in the original unbroken packages, in part at Asheville and in part at Hendersonville, N. C., alleging that the article had been shipped by the Burke Fish Co., Portland, Oreg., October 21, 1918, and transported from the State of Oregon into the State of North Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Chum Salmon Packed By Burke Fish Co., Portland, Ore. * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On September 2, 1920, no claimant having appeared for the property, judgment was entered declaring the product to be adulterated and ordering its destruction by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10032. Adulteration of tomato catsup. U. S. * * * v. 10 Cases * * * and 60 Cases * * * of Home Brand Tomato Catsup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14130. I. S. Nos. 3571-t, 3575-t. S. Nos. C-2657, C-2659.)

On December 31, 1920, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases, each containing 6 eight-pound cans, and 60 cases, each containing 2 dozen sixteen-ounce bottles, of Home Brand tomato catsup, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the J. T. Polk Co., Mound City, Ill., on or about November 2, 1920, and transported from the State of Illinois into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On September 21, 1921, the Sears & Nichols Canning Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product be renovated and the good portion separated from the bad.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10033. Adulteration and misbranding of vinegar. U. S. * * * v. 65 Barrels, 730 Cases, and 96 Cases * * * of Vinegar. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 14146, 14147. I. S. Nos. 4161-t, 4162-t, 4163-t. S. Nos. C-2673, C-2674.)

On January 11, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 65 barrels, 730 cases, and 96 cases of vinegar, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Naas Cider & Vinegar Co., Inc., from Cohocton, N. Y., on or about October 5, 8, and 19, 1920, respectively, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that distilled vinegar or dilute acetic acid, boiled cider, and sodium carbonate¹ had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that distilled

¹Product was recommended for seizure only on the charge that it contained distilled vinegar.

vinegar or dilute acetic acid, boiled cider, and sodium carbonate had been substituted in part for the article of food known as pure cider vinegar.

Misbranding was alleged in substance for the reason that the statements, to wit, " * * * Cider Vinegar. Steuben Brand Made From Apples * * * Reduced To 4% [Acetic Acid]," borne on the barrels and certain of the cases containing the said article, and the statements, to wit, "Boulevard Brand Pure Cider Vinegar Reduced to 4½% Acetic Strength [4½% Acetic Acid]," borne on the labels of the bottles contained in the remainder of the cases, were false and misleading in that they represented to the purchaser that the article consisted of pure cider vinegar, and for the further reason that the aforesaid statements deceived and misled the purchaser into the belief that the article was pure cider vinegar, whereas, in truth and in fact, it was not. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, pure cider vinegar.

On November 14, 1921, the Naas Cider & Vinegar Co., Inc., claimant, having admitted the material allegations of the libels and having consented to decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the product be relabeled in part as follows, "Compound A mixture of Cider and Grain Vinegar," together with a statement of the net contents of each barrel, case, and bottle, "in lieu of the labels now appearing thereon."

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10034. Misbranding of barley feed. U. S. * * * v. W. P. Devereux Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 14530. I. S. No. 24803-r.)

On October 3, 1921, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the W. P. Devereux Co., a corporation, Minneapolis, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 24, 1919, from the State of Minnesota into the State of Kansas, of a quantity of unlabeled sacks of barley feed which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 3, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10035. Adulteration of canned pie peaches. U. S. * * * v. 322 Cases of Pie Peaches. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14835. I. S. No. 13063-t. S. No. C-2903.)

On April 27, 1921, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 322 cases of pie peaches, remaining in the original unbroken packages at Memphis, Tenn., alleging that the article had been shipped by the Booth Packing Co., Baltimore, Md., on or about January 31, 1921, and transported from the State of Maryland into the State of Tennessee, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Diamond Brand Pie Peaches * * * D. D. Mallory & Co. * * * Baltimore, Md. Distributors."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On September 22, 1921, the Booth Packing Co., Baltimore, Md., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product be repacked and properly sorted so as to exclude the objectionable portions thereof.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10036. Misbranding of Giepsi Vemela. U. S. * * * v. 11 Bottles of * * * Giepsi Vemela. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14958. I. S. No. 10806-t. S. No. W-946.)

On June 9, 1921, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 11 bottles of Giepsi Vemela, remaining unsold in the original packages at Silver City, N. M., alleging that the article had been shipped by the Giepsi Vemela Co., Douglas, Ariz., February 25, 1921, and transported from the State of Arizona into the State of New Mexico, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of vegetable extractives, sugar, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the labeling thereof bore certain statements, designs, and devices, to wit, (carton) "Guaranteed under the Food and Drugs Act * * *," (circular, in Spanish) "Giepsa Vemela was subjected to the laws required by the United States of America before being placed on the market, which will stimulate and increase the faith and confidence of patients who make use of this medicine," which were false and misleading and were intended to deceive and to stimulate the sale of the said article. Misbranding was alleged for the further reason that the statements regarding the therapeutic and curative effects of the said article, to wit, (carton, English and Spanish) "* * * for the tuberculosis, colds, coughs, anemia, and general debility," (bottles, English and Spanish) "* * * It is recommended for tuberculosis, colds, coughs, anemia and general debility * * * In serious cases * * *," (circular, English) "* * * the excellent results that it has obtained in the treatment of all impurities of the blood. * * * and for the results that have been obtained in the treatment of hungs [lung] troubles. * * * For the impurities of the blood, such as pimples, tumors, fistula, swelling of the feet, ankles and legs, and irritation of the blood. * * * For coughs, colds, bronchitis, whooping cough, sore throat, * * * If you * * * want your body to be strong, to stand the effects of cold weather, we recommend you to take one or two bottles and you will be surprised to see how well it will build you up. For disorders and sickness of the stomach * * * for anemia, affections of the hungs [lungs], general debility * * * tuberculosis of the stomach and bowels. * * * my stomach was so badly infected that I could not eat. * * * Since I have been taking this Giepsa Vemela I can eat any kind of food, and can do a man's work, before taking it I could not. * * * Giepsi Vemela, has cured me * * * This medicine is not only a good medicine for Tuberculosis, but for coughs and colds, and weak stomach, and lungs. * * *," (Spanish) "* * * I suffered with a violent pain in the chest and stomach * * * thanks to God and Giepsi Vemela * * * my health has again been restored. * * * I have no hesitancy in recommending it to all persons who have disorders of the stomach. * * * I was a victim of a fistula in the left foot, * * * I took a bottle of Giepsa Vemela which was sufficient to destroy the fistula. It was completely dried up, * * * the excellent results which it has demonstrated in the treatment of diseases of the blood. * * * also on account of the activity which it has demonstrated in the treatment of affections of the lung. * * * impurity and bad condition of the blood * * * pimples, fistulas, tumors or ulcers, bubos, ulcers in the throat or in the nose, swellings which appear without cause, irritation of the skin and tetanus. This medicine is especially recommended for anemia, constipated catarrhs, bronchitis, coughs, sore throat and hoarseness. For diseases of the stomach such as palpitation of the heart, colic, pain in the side, diarrhoea and spasms. * * * for affection of the lung, bronchitis, constipated catarrhs, coughs, sore throat and hoarseness, tumors, fistulas, swellings, tetanus, pimples, * * * for diseases of the stomach, palpitation of the heart, colic, pain in the side, diarrhoea and spasms * * * In serious cases * * * I suffered with paralysis in the right side of the face and the tongue * * * The results which I obtained from taking Giepsa Vemela were marvelous, as only one bottle was sufficient to completely restore my health * * *," were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the results and effects claimed.

On October 10, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10037. Misbranding of Gold Medal compound pills. U. S. * * * v. 31 Boxes of Gold Medal Compound Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14992. I. S. No. 187-t. S. No. C-3163.)

On August 20, 1921, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 31 boxes of Gold Medal compound pills, remaining in the original packages at Springfield, Ill., alleging that the article had been shipped by the G. P. Steyh Importing Co., St. Louis, Mo., May 20, 1921, and transported from the State of Missouri into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of sugar-coated pills containing aloes, iron sulphate, and pennyroyal oil.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the circular accompanying the said article, regarding the curative and therapeutic effects thereof, to wit, "Gold Medal Compound Pills. Begin by taking one Pill before each meal * * * Four or five days before the expected appearance of the menstrual flow, drink freely * * * of hot ginger tea * * * in cases of suppressed menstruation," were false and fraudulent in that the said article contained no ingredient or ingredients capable of producing such effects.

On September 29, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10038. Misbranding of olive oil. U. S. * * * v. 35 Cans * * * of Olive Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15150. I. S. No. 5086-t. S. No. E-3493.)

On July 29, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 35 cans of olive oil, remaining unsold at Cambridge, Mass., alleging that the article had been shipped by N. P. Economou & Theodos, New York, N. Y., on or about April 30, 1921, and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in the libel for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "Net Contents 1 Gal.," was incorrect and represented more than the actual contents of the said packages.

On September 26, 1921, N. P. Economou & Theodos, New York, N. Y., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10039. Misbranding of compound oil. U. S. * * * v. 38 One-Gallon Cans of Compound Oil. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 15282. Inv. Nos. 31442, 31533. S. No. E-3494.)

On July 29, 1921, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and thereafter an amended libel, for the seizure and condemnation of 38 one-gallon cans of compound oil, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Yohalem & Diamond, New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about May 21, 1921, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Oil La Tosca Brand."

Misbranding of the article was alleged in substance in the libel for the reason that the labels of the cans containing the said article bore the following

statements regarding the article and the ingredients and substances contained therein, to wit, " * * * Flavored With High Grade Genuine Olive Oil * * * 1 Gallon," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 7, 1922, Nathan Yohalem and Joseph Diamond, New York, N. Y., claimants, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10040. Misbranding of cottonseed meal. U. S. * * * v. 400 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and sale. Order of restoration. Product released under bond. (F. & D. No. 462-c.)

On July 2, 1919, the United States attorney for the District of Maine, acting upon a report by the Chief of the Bureau of Inspection of the Department of Agriculture of the State of Maine, filed in the District Court of the United States for said district a libel, and on July 17, 1919, an amended libel, for the seizure and condemnation of 400 sacks of cottonseed meal, remaining unsold in the original unbroken packages at Waterville, Me., alleging that the article had been shipped June 4, 1919, from Covington, Ga., and transported from the State of Georgia into the State of Maine, and charging misbranding in violation of the Food and Drugs Act.

Misbranding of the article was alleged in substance in the libel, as amended, for the reason that the sacks containing the same bore a label containing the following statements regarding the ingredients or substances contained therein, " * * * 100 Lbs. Good Cotton Seed Meal * * * Guaranteed Analysis Protein (Minimum) 36.00% * * * Ingredients: Made from upland cotton seed only," which label or inscription was false or misleading in that the said article did not contain protein in the amount of 36 per cent, but did contain an amount of protein materially less than 36 per cent.

On July 15, 1919, no claimant having appeared at that time for the property, judgment of condemnation, forfeiture, and sale was entered. On August 26, 1919, E. A. Clark & Co. having entered a claim for the property and having filed a bond in the sum of \$3,000, an order of restoration was entered by the court directing that the product be released to the said claimant, and on August 28, 1919, the said product was delivered as directed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10041. Misbranding of The Texas Wonder. U. S. * * * v. 87 Bottles of The Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 12231, 12232. I. S. Nos. 129-r, 130-r. S. Nos. E-2017, E-2023.)

On March 10, 1920, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 87 bottles of The Texas Wonder, remaining unsold in the original packages at Valdosta, Ga., alleging that the article had been shipped by E. W. Hall, St. Louis, Mo., on or about February 12 and 13, 1920, respectively, and transported from the State of Missouri into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled, in part: (Carton) " * * * A Remedy For Kidney and Bladder Troubles Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children. * * *"; (circular headed "Read Carefully") " * * * In cases of Gravel and Rheumatic troubles it should be taken every night in 25-drop doses until relieved * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, guaiac, rhubarb extract, colchicum extract, an oil similar to turpentine oil, alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements appearing on the carton label and in the said circulars were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed therein.

On June 21, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10042. Adulteration and misbranding of vinegar. U. S. * * * v. 4 Barrels of Vinegar * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13974. I. S. No. 3561-t. S. No. C-2597.)

On November 29, 1920, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 barrels of vinegar, at Fargo, N. D., alleging that the article had been shipped by Barrett & Co., Minneapolis, Minn., August 18, 1920, and transported from the State of Minnesota into the State of North Dakota, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that distilled vinegar had been mixed and packed therewith, by which mixture the quality and strength of the said article had been lowered and reduced. Adulteration was alleged for the further reason that the said article was colored with a caramel product in such manner that its inferiority was concealed.

Misbranding was alleged in substance for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, "Maize Sugar Fermented Vinegar"; for the further reason that the said article was falsely branded and labeled "Maize Sugar Fermented Vinegar," which brand was calculated to and did deceive and mislead purchasers thereof; and for the further reason that the said article was food in package form, and the quantity of the contents of the said packages was not conspicuously marked on the outside thereof in terms of weight or measure or in any manner.

On November 17, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10043. Misbranding of canned tomatoes. U. S. * * * v. 298 Cases of Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 13985. I. S. No. 5721-t. S. No. E-2907.)

On December 2, 1920, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 298 cases of tomatoes, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by E. L. Fooks, Preston, Md., on or about September 23, 1920, and transported from the State of Maryland into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "I X L Brand Tomatoes * * * Packed By Preston Canning Co. Preston, Maryland."

Misbranding of the article was alleged in substance in the libel for the reason that the label of the can containing the said article bore the statement, "Average Net Weight Of Contents 6 Pounds 7 Ozs.," which was false and misleading and deceived and misled the purchaser, since examination showed the product to be short weight. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages in terms of weight or measure.

On April 9, 1921, the Preston Canning Co., Preston, Md., having entered an appearance as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10044. Misbranding of Shores lung balsam and Shores Mountain Oil liniment. U. S. * * * v. Shores-Mueller Co., a Corporation. Plea of guilty. Fine, \$60 and costs. (F. & D. No. 14322. I. S. Nos. 8262-r, 8263-r.)

At the September, 1921, term of the United States District Court within and for the Northern District of Iowa, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against the Shores-Mueller Co., a corporation, Cedar Rapids, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 8, 1920, from the State of Iowa into the State of Illinois, of a quantity of Shores lung balsam and Shores Mountain Oil liniment, which were misbranded.

Analysis of a sample of the lung balsam by the Bureau of Chemistry of this department showed that it contained pine tar, ammonium chloride, a salicylate, chloroform, glycerin, sugar, and water. Analysis of a sample of the Mountain Oil liniment showed that it contained cajeput, wintergreen, sassafras and cedar oils, camphor, ammonia, borax, sodium carbonate, plant extractives, including capsicum oleoresin, alcohol, and water.

Misbranding of the articles was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles containing the respective articles and in booklets accompanying the same, falsely and fraudulently represented that the lung balsam was effective as a preventive, treatment, remedy, and cure for sore lungs, bronchitis, sore throat, la grippe, whooping cough and croup, and for throat and lung trouble; and that the Mountain Oil liniment was effective as a preventive, treatment, remedy, and cure for colds, cramps, colic, cholera morbus, diarrhea, la grippe, rheumatism, burns, chills, cholera, dysentery, indigestion, sore throat, and mumps, as a remedy for all aches and pains, as a preventive, treatment, remedy, and cure for diarrhea in hogs due to infection of hog cholera, and as a treatment, remedy, and cure for hog cholera and for chicken cholera, when, in truth and in fact, the said articles did not contain ingredients effective for the purposes named. Misbranding was alleged with respect to the Mountain Oil liniment for the further reason that the statement, to wit, "40% Alcohol," borne on the labels attached to the bottles containing the said article, regarding it and the ingredients and substances contained therein, was false and misleading in that the said statement represented that each of the bottles contained not less than 40 per cent of alcohol, whereas, in truth and in fact, each of said bottles contained less than 40 per cent of alcohol; and for the further reason that the article contained alcohol and the label failed to bear a statement of the quantity and proportion of alcohol contained therein.

On October 6, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$60 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10045. Misbranding of grapes. U. S. * * * v. South Shore Growers & Shippers Association, a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 14726. I. S. Nos. 5692-t, 5694-t.)

On July 12, 1921, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the South Shore Growers & Shippers Association, a corporation, Silver Creek, N. Y., alleging shipment by said company, on or about October 13 and 15, 1920, respectively, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Pennsylvania, of quantities of grapes in unlabeled baskets, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On September 6, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10046. Adulteration and misbranding of olive oil. U. S. * * * v. John A. Alban (John A. Alban & Co., Inc.). Tried to the court and a jury. Verdict of guilty. Fine, \$300. (F. & D. No. 14912. I. S. No. 11855-t.)

On September 2, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John A. Alban, trading as John A. Alban & Co., Inc., New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 28, 1920, from the State of New York into the State of Massachusetts, of a quantity of olive oil which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained an appreciable amount of cottonseed oil.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for pure olive oil, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Prodotti Italiani," "Pure Olive Oil," "Lucca," and "Italia," together with the design and device of a woman draped in the Italian flag, holding an Italian shield, borne on the can containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the said article was pure olive oil and that it was a foreign product, to wit, an olive oil produced in the Kingdom of Italy, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil and that it was a foreign product, to wit, olive oil produced in the Kingdom of Italy, whereas, in truth and in fact, it was not pure olive oil but was a mixture composed in part of cottonseed oil, and it was not a foreign product, but was a domestic product, to wit, an article produced in the United States of America. Misbranding was alleged for the further reason that it was a mixture composed in part of cottonseed oil, prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, pure olive oil; for the further reason that it was falsely branded as to the country in which it was produced in that it was branded as an olive oil produced in the Kingdom of Italy, whereas it was an article produced in the United States of America; and for the further reason that the said article purported to be a foreign product when not so.

On November 3, 1921, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel the following charge was delivered to the jury by the court (Van Fleet, *D. J.*):

Gentlemen, the law under which this prosecution is brought is the act known as the Federal Food and Drugs Act of June 30, 1906.

As far as it is pertinent to this case it provides that it shall be unlawful for any person to manufacture within any territory or the District of Columbia any article of food or drug which is adulterated or misbranded within the meaning of this act; and provides that any person who shall violate any provision of this act shall be guilty of misdemeanor, and fixes the punishment.

It further provides that the introduction within any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia of any article of food or drugs which is adulterated or misbranded within the meaning of this act is hereby prohibited, a violation of which is made an offense under the act.

It further provides that, for the purposes of this act, an article shall be deemed to be adulterated, in the case of food:

First: If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second: If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

And, then, it provides something which is not claimed in this case, that it is also against the act to put in any poisonous or any deleterious ingredient which may render any such article injurious to health.

The claim here is that the article of food is adulterated, and for the purposes of this act, an article shall be deemed to be misbranded in the case of food:

First: If it be an imitation of, or offered for sale under the name of, another article.

Second: If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package, or if it fails to bear the statement on the label of the quantity or proportions of any mixture or deleterious substance mixed therein.

Now, the information which has been filed by the district attorney against this defendant contains two counts, the first of which charges that heretofore, to wit, on the 28th day of July in the year one thousand nine hundred and twenty, at the Southern District of New York, and within the jurisdiction of this court, John A. Alban, trading as John A. Alban & Co., Inc., at the City of New York, State of New York, did ship and deliver for shipment from the City of New York, State of New York, to the City of Lowell, State of Massachusetts, consigned to Klerhos Dimitrakoulakas, certain packages, to wit, a number of cans, each can containing an article of food, which said cans were labeled, marked, and branded as follows, to wit; and then, it gives the legend upon the brand, which is precisely in accord with the exhibit that was put in before you, and which I need not repeat, because it is presented to you for your examination; that said article of food, shipped as aforesaid, was then and there adulterated in that a substance, to wit, cottonseed oil, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength. Said article was further adulterated in that a substance, to wit, cottonseed oil, had been substituted in part for pure olive oil, which the article purported to be; against the peace and dignity, and so forth, of the United States.

The second count alleges that on the same date, and within this district, and within the jurisdiction of this court, John A. Alban, trading as John A. Alban & Co., Inc., at the City of New York, State of New York, did ship and deliver for shipment from the City of New York, State of New York, to the City of Lowell, State of Massachusetts, consigned to the same individual named in the first count, certain packages, to wit, and then describing them precisely as at first, marked and branded, as more fully described in the first count of this information, and which said description of the first count is, by reference, hereby incorporated in this count, which said article, shipped as aforesaid, was misbranded in that the statements, to wit, "Prodotti Italiani," "Pure Olive Oil," "Lucca," and "Italia," together with the design and device of woman draped in Italian flag holding Italian shield, borne on the can containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in this, that they represented that said article was pure olive oil, that said article was a foreign product, to wit, an olive oil produced in the Kingdom of Italy, whereas, in truth and in fact, said article was not pure olive oil but was a mixture composed in part of cottonseed oil; said article was not a foreign product, to wit, olive oil produced in the Kingdom of Italy, but was a domestic product, to wit, an article produced in the United States of America. Said article was further misbranded in that it was a mixture composed in part of cottonseed oil prepared in imitation of pure olive oil and was offered for sale and sold under the distinctive name of another article, to wit, pure olive oil. Said article was further misbranded in that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil and that it was a foreign product, to wit, olive oil produced in the Kingdom of Italy; whereas, in truth and in fact, it was not pure olive oil but was a mixture composed in part of cottonseed oil; said article was not a foreign product, to wit, an olive oil produced in the Kingdom of Italy, but was a domestic product, to wit, an article produced in the United States of America.

And it is alleged that said article was further misbranded in that the label aforesaid purported said article to be a foreign product when not so, against the peace of the United States, and the dignity of the United States.

Now, the defendant has interposed a plea of not guilty to that information, and it being a criminal charge, that of a misdemeanor, his plea puts in issue the averments upon which the Government asks a verdict.

Of course, the rule in criminal cases is one which you well understand. The burden of a plea of not guilty casts upon the Government the necessity of showing by what the law terms a proof beyond a reasonable doubt as to the guilt of the defendant before he can be convicted.

Now, the term reasonable doubt can hardly be defined to you in any clearer manner than those very terms import. It means that the guilt of the defendant must be shown by proof that leaves no reasonable doubt upon the mind of the jurors. There is nothing technical about it at all. It means a substantial doubt, a doubt which would cause a juror to hesitate in an important transaction in his own life. It means that state of the case which satisfies you to a moral certainty of the truth of the charge.

Of course, unless it does this, it is not sufficient upon which to pass a conviction in the case, but it does not mean anything but what it says. It does not mean anything but a reasonable doubt. A reasonable doubt in the sense in which it is used in the law must be a doubt arising upon the evidence in the case, or from a lack of it, and not be the subject matter of mere surmise or conjecture, or some fanciful idea of the jury that greater proof might have been offered.

If the proof in the case is such that it satisfies the minds of the jurors as practical, every-day business men to an extent which would induce them to act upon it if it related to an important affair of their own, then the law deems it proved beyond reasonable doubt, which justifies them in passing upon it, a conviction in a criminal case, and you are not permitted to go outside of the evidence, conjecture something upon which to hang or base a doubt, but you are confined, as I say, to a consideration of it.

Now, the law, as it has been said, does not make the intent with which the thing is done an ingredient. It is like many other statutory offenses. It denounces the act, and it places upon the individual committing the act the necessity of knowing that he is not violating that statute.

In this instance, whether the defendant knew that the article that he was shipping, which he admits having shipped, was not what it was reputed to be by the labels upon the cans, whether he knew that or not, would be no protection against this prosecution, or against his guilt, because the law has denounced the act of shipping in interstate commerce, a misbranded or adulterated article of food.

It is like, precisely like, the proposition that it will not avail a man charged with crime to say that he did not know that such was the law, because it is axiomatic that ignorance of the law does not excuse, and that is because under a Government of laws such as ours, we are all bound, as far as we are all bound as citizens, to know what the law is, at our peril.

You cannot go out and take the life of a man, and say that you did not know it was a crime to do so. The law will not tolerate that. No one can be convicted of crime under such a system, and so with this statutory offense, the matter of intent is not made an ingredient in the offense. Of course, it very frequently arises in cases of this character that the intent can be very easily seen, that of evading the law, but it is not essential that the defendant should have knowledge of the character of thing that he was shipping, if he did, in fact, violate this statute.

Now, that is really the whole question. Was this article, when shipped, of the character that has been testified to by the Government witnesses? Of course, as has been argued by defendant's counsel, if the contents of these cans, or of this particular can which was appropriated and purchased by this officer of the State of Massachusetts, and who subsequently turned its contents over to the Federal authorities, if those contents were changed after it had left the hands of the defendant, if the contents were not obnoxious under the law when it left defendant's hands, and were changed afterwards, of course, the defendant would not be responsible; but, gentlemen, the jury is not permitted to speculate or conjecture as to what might have been done. The question, whether under the evidence, it has to satisfy your minds that this article that was found by the chemist to be adulterated, and found by the chemist to be not what it was reputed to be on the labels at the time it left the defendant's hands, why, of course, this defendant would be guilty.

This law is made for the protection of the public. It is not a law which represents private rights at all. The public, generally speaking, through Congress, has been given the benefit of this protective statute in order that the people shall not have foisted upon them, under misleading labels, and put up in a misleading form, articles of food which are not what they are reputed to be, and which may or may not be deleterious to health, because it makes no difference so far as this particular charge is concerned, that cottonseed oil, the article alleged to have been mixed with the pure olive oil, may not be deleterious. We all know that it is not necessarily so at all, but it

is in many respects nutritious, but that does not affect the question at all, if the fact is that this article was shipped as a mixture of olive oil and cottonseed oil without distinctly branding it as such.

It is not an offense under this statute to mix ingredients that are not deleterious to health. It is not an offense under the statute as to that, but you must represent to the public what you are doing in that respect, that is where the public has got to be protected. You go into a place of business and seek to purchase a particular article, and you have handed to you the thing which is represented to be what you want, and you buy it as such, and in fact, it is not such, and you have been misled into its purchase by a misrepresentation contained in its label. You have been deceived, and you may have been deceived according to the character of the article to your injury by getting something deleterious for that which you sought as nutritious.

Now, that is the purpose of the act, to protect the public against that sort of thing.

I think that is all, unless counsel wish to suggest something.

MR. RISELY: I ask your Honor to charge the jury that good character alone, in conjunction with other evidence, may raise a reasonable doubt in the minds of the jurors.

THE COURT: Well, that is true. It must be taken in a reasonable sense. Good character is no defense to crime at all. Good character, however, is an element which may be laid before a jury, together with all the evidence in the case, from which they will determine the guilt or innocence of the defendant, and it is an ingredient which does go to make in favor of innocence, more or less according to the circumstances, because the law assumes, and it is a perfectly natural reasonable presumption, and you will find that all rules of law that we have to deal with have their origin in reason, in common sense. The law presumes that a man of good character in the trade involved is not as likely to engage in a criminal enterprise, or an enterprise involving an infraction of the law, as a man of bad character. A man shown to have indulged in that sort of thing before,—but there is always a point at which bad conduct commences. We are not all born like Richard, don't you know, with teeth, and we are not bad at our birth. It is a growth, and there is always a point where we depart from the part of rectitude. If we are guilty of doing so and so, good character, to the extent I have indicated, is a factor to be considered by you in passing upon the defendant's guilt.

MR. MC COY: I think the jury would be interested in the penalty attached to this offense.

MR. RISELY: I object to that, your Honor.

THE COURT: I do not think it is anything that the jury have anything to do with. The jury is entitled to know that it is announced by the statute as a misdemeanor, but the penalty is something within the limitation of the statute.

MR. MC COY: The statute specifically limits the penalty for a first offender. This defendant was a first offender.

THE COURT: I did not notice that, but it would not make any difference, Mr. District Attorney. It is not a thing with which the jurors are concerned, and I cannot imagine that the jury will permit themselves to be influenced to find a man guilty because there was a light punishment, but not guilty if it was a heavy punishment. It is something with which they have nothing to do. It is not a matter of evidence, and, therefore, it is not for their consideration. Is there anything else that counsel wish?

MR. RISELY: That is all.

MR. MC COY: That is all.

THE COURT: Now, gentlemen, you will take this case. It is a very simple one upon the evidence. Disabuse your mind of any consideration excepting that which arises from a consideration of the evidence from the stand, and do not indulge in any conjecture as to what the fact might have been, because the facts upon which a man's cause must rest are those that are produced actually in court, and must not be the subject matter of speculation in the minds of the jury. It does not make any difference with you at all what the consequences of the defendant will be. If you are not satisfied of his guilt beyond a reasonable doubt as I have intimated, it is your duty to find him not guilty. If you are satisfied that it is equally imperative, it is your duty to find him guilty.

The jury then retired and after due deliberation returned a verdict of guilty on both counts of the information, and the court imposed a fine of \$300.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10047. Misbranding of alimentary pastes. U. S. * * * v. 26 Cases and 189 Cases of Alimentary Pastes. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. No. 14964. I. S. Nos. 10521-t, 10522-t. S. Nos. W-956, W-958.)

On June 7, 1921, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 26 cases and 189 cases of alimentary pastes, at Reno, Nev., alleging that the articles had been shipped by the Roma Macaroni Factory, San Francisco, Calif., on or about May 2 and 13, 1921, respectively, and transported from the State of California into the State of Nevada, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the articles was alleged in substance in the libels for the reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages. Misbranding was alleged in substance for the further reason that the respective articles were imitations of, and were offered for sale under the distinctive names of, other articles, in that the said articles were alimentary pastes made from flour. Misbranding was alleged in substance with respect to certain lots of the articles for the further reason that the respective statements, "Net weight 50 pounds," "Net weight 40 pounds," "Net weight 25 pounds," or "Net weight 20 pounds," borne on the cases containing the said lots, deceived and misled the purchaser into the belief that each of the said cases contained 50 pounds, 40 pounds, 25 pounds, or 20 pounds, as the case might be, of the respective articles, whereas, in truth and in fact, each of the said cases did not contain the amount stated on the said cases but did contain a less amount. Misbranding was alleged in substance with respect to a portion of the said articles for the further reason that the statement on the label of the case containing the same, to wit, "Semolina," was false and misleading in that the contents of the said cases was not Semolina, but consisted in part of alimentary paste artificially colored.

On August 27, 1921, the Roma Macaroni Factory, San Francisco, Calif., claimant, having consented to a decree, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10048. Misbranding of Shores sarsaparilla. U. S. * * * v. Shores-Mueller Co., a Corporation. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 15057. I. S. No. 3565-t.)

At the September, 1921, term of the United States District Court within and for the Northern District of Iowa, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against the Shores-Mueller Co., a corporation, Cedar Rapids, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 14, 1920, from the State of Iowa into the State of Minnesota, of a quantity of Shores sarsaparilla which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained extracts of plant drugs, including a laxative drug, a salicylate, a small amount of ammonium chlorid, a trace of alcohol, glycerin, and water.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles containing the said article and in an accompanying circular, falsely and fraudulently represented it to be effective as a remedy, treatment, or cure for catarrh, rheumatism, blood disorders, boils, pimples, skin eruptions, blood and skin diseases, bad breath, impure blood, tired, worn-out feeling, general debility, female weakness, salt rheum, and eczema, when, in truth and in fact, it was not.

On October 6, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10049. Adulteration of eggs. U. S. * * * v. 15 Cases * * * of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15375. I. S. No. 4877-t. S. No. C-3146.)

On July 27, 1921, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 cases of eggs, at Sioux City, Iowa, alleging that the article had been shipped by G. W. Fortner, Wayne, Neb., on or about July 18, 1921, and transported from the State of Nebraska into the State of Iowa, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On October 19, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10050. Adulteration and misbranding of cottonseed meal. U. S. * * * v. Lamar Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 9897. I. S. No. 19417-p.)

On August 6, 1919, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lamar Cotton Oil Co., a corporation, Paris, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 6, 1917, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal which was adulterated and misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it contained larva, webs, and probably insect excreta. There was also present on the outside of the bags containing the article a web-like substance which denoted that insects had been present.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed animal or vegetable substance.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 17, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

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United States Department of Agriculture,

BUREAU OF CHEMISTRY.

W. G. CAMPBELL, Acting Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 10051-10100.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 15, 1922.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

10051. Misbranding of Oculum Oil. U. S. * * * v. 6 Bottles * * * of Oculum Oil, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12549, 12594. I. S. Nos. 3105-r, 3124-r, 3125-r. S. Nos. W-596, W-599.)

On April 9, 1920, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 16 bottles and 1 can of Oculum Oil, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Hancock Inoculum Co., Salem, Va., on or about November 22, 1917, and September 22, 1919, respectively, and transported from the State of Virginia into the State of Oregon, and charging misbranding in violation of the Food and Drugs Act, as amended. A portion of the bottles containing the article were labeled in part: "'Oculum' Oil Germicide For Hogs, * * * Remedy and Preventive for Hog Cholera. * * * If hog has the Cholera treble the dose until improvement results, * * *." The remainder of the bottles bore a label and were accompanied by a circular containing statements in part as follows: (Bottles) "'Oculum Oil' * * * Remedy And Preventive For Hog Cholera"; (circular) "Oculum Oil * * * Will Knock The Cholera * * * If a hog has the Cholera, feed 15 drops * * * and also inoculate the hog by injecting 'Oculum Oil' * * *"; (testimonials) "' * * * Farmers * * * are bad off for something to check Hog Cholera and since the 'Oculum Oil' you sent * * * has proven to be the solution of the problem I feel safe to recommend it * * * A neighbor lost * * * hogs with Cholera last year, and though mine were within four hundred yards of his, I had no sickness. I believe 'Oculum Oil' saved mine * * *." The can containing a portion of the said article was labeled in part as follows: "'Oculum Oil' * * * Destroys Disease Germs In Animals Remedy And Preventive For Hog Cholera * * * When Animal Is Sick. * * * Treble the dose * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of turpentine oil with a small amount of amber oil and an orange-colored dye.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing upon the bottles and the can containing the said article and in the circulars accompanying the article, regarding the curative and therapeutic effect thereof and the substances contained therein, were false and fraudulent in that the said article contained no

ingredients or combination of ingredients capable of producing the effects claimed.

On November 23, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10052. Adulteration and misbranding of gelatin and apple cider compound and misbranding of Maplo. U. S. * * * v. W. B. Wood Mfg. Co., a Corporation. Pleas of guilty. Fines, \$190 and costs. (F. & D. Nos. 13082, 13245. I. S. Nos. 11398-r, 11399-r, 7626-r, 7828-r, 10511-r, 11369-r, 12103-r, 12104-r, 16180-r, 16190-p.)

On November 15, 1920, and April 5, 1921, respectively, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against the W. B. Wood Mfg. Co., a corporation, St. Louis, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, between the dates March 1 and April 30, 1919, from the State of Missouri into the States of Minnesota, Ohio, South Carolina, Texas, and Alabama, respectively, of quantities of gelatin which was adulterated and misbranded; on or about May 25, 1918, from the State of Missouri into the State of Washington, of a quantity of apple cider compound which was adulterated and misbranded; and on or about April 29, 1919, from the State of Missouri into the State of Indiana, of a quantity of Maplo which was misbranded.

Analyses of samples of the gelatin by the Bureau of Chemistry of this department showed that it consisted in part of glue and contained excessive zinc. Analysis of a sample of the apple cider compound by said bureau showed that it was apparently a concentrated compound apple cider containing added phosphoric and tartaric acids. Analysis of a sample of the Maplo by said bureau showed that it was an imitation maple flavor product with no evidence of maple sugar.

Adulteration of the gelatin was alleged in the informations for the reason that a substance, to wit, glue, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for gelatin, which the said article purported to be. Adulteration was alleged for the further reason that the article contained an added poisonous and deleterious ingredient, to wit, zinc, which might render it injurious to health. Adulteration of the apple cider compound was alleged for the reason that it was a mixture composed in part of a product other than cider, which contained phosphoric and tartaric acids, prepared in imitation of apple cider compound, and was offered for sale and sold under the distinctive name of another article, to wit, apple cider compound.

Misbranding of the gelatin was alleged for the reason that it was a mixture composed in part of glue and zinc, prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, gelatin. Misbranding of a portion of the said gelatin was alleged for the further reason that the statements, to wit, "Gelatine," and "Pure Food Gelatine," respectively, borne on the drum or barrel, as the case might be, containing the said article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the said article was gelatin, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was gelatin, whereas, in truth and in fact, it was not gelatin but was a mixture composed in part of glue and zinc. Misbranding of the apple cider compound was alleged for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding of the Maplo was alleged for the reason that the statement "Maplo" borne on the labels attached to the bottles containing the said Maplo, regarding it and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article contained an appreciable amount of maple sugar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained an appreciable amount of maple sugar, whereas, in truth and in fact, it contained no maple sugar.

On November 1, 1921, pleas of guilty to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate sum of \$190, together with the costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10053. Misbranding of Dr. A. W. Chase's nerve pills. U. S. * * * v. 2 Dozen Boxes * * * of Dr. A. W. Chase's Nerve Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13433. I. S. No. 10314-t. S. No. W-709.)

On August 20, 1920, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 dozen boxes of Dr. A. W. Chase's nerve pills, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Dr. A. W. Chase Medicine Co., Buffalo, N. Y., December 3, 1919, and transported from the State of New York into the State of Oregon, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Label) "Builds Up The System Cures * * * Nervous Prostration * * * Nervous Headache Female Trouble * * * Heart Failure Dizziness & Fainting Sleeplessness And General Weakness"; (circular) "* * * Hysteria, Hystero-epilepsy, Epilepsy, St. Vitus dance, Paralysis, Locomotor Ataxia, Insanity * * * await * * * the chance to enter. The Cure Is alone found in Dr. A. W. Chase's Nerve Pills. A medicine rich in all the elements that go to make rich red blood and to supply the hungry nerves with proper nourishment, a medicine that supplies what is lacking the very essence of existence, the active principle of life—Nerve Force. * * * Sexual Wrecks. * * * in Dr. A. W. Chase's Nerve Pills, the victim of excess finds a medicine that reaches the seat of trouble and cures * * * re-invigorates, by re-supplying the very essential of health, Nerve force. Once this health-giving force reaches the relaxed and debilitated organ in proper quantity, the organ begins to rebuild itself and takes its place as capable as ever of carrying out its work. * * * Occasional Irregularity, Or * * * slight and fearfully painful menstruation. * * * the absence of a healthy flow, * * * a complete relaxation and loss of power upon the part of the uterine organs * * * It is in such cases as these, * * * that * * * Nerve Pills show their sterling qualities, * * * by re-supplying the elements lacking, Nerve Force. * * * Sterility. * * * The * * * use of * * * Nerve Pills always results in an awakening and return of power to those organs * * * Girlhood to Womanhood. * * * Nerve Pills * * * by their ability to supply a world of nerve force and physical energy, and to manufacture the richest quality of blood, makes the passage * * * easy and safe * * * Feeble Little Ones. * * * due to * * * Diphtheria, Measles, Scarlet Fever, etc., * * * Nothing could reach * * * in a more rapid or happy manner than do * * * Nerve Pills, a preparation designed expressly to furnish to these weak and puny little ones all that is essential to their re-building and re-invigorating. * * * A sure [true] tonic * * * results once obtained are doubly certain and lasting. * * * This is the only medicine that cures by rebuilding, re-invigorating and re-supplying what is lacking—good blood and nerve force. * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained strychnine, arsenic, aloes, iron carbonate, and a manganese compound.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the said labels and circulars, regarding the curative and therapeutic effect of the said article, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the curative and remedial therapeutic effects claimed.

On November 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10054. Adulteration of walnut meats. U. S. * * * v. 4 Cases, 3 Cases, and 2 Cases of * * * Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 14779, 14780, 14781. I. S. Nos. 10656-t, 10657-t, 10658-t. S. No. W-910.)

On April 15, 1921, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 cases of walnut meats, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Thomas W. Simmons

& Co., San Francisco, Calif., February 18, 1921, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On November 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10055. Adulteration and misbranding of coal-tar color. U. S. * * * v. 2 One-Pound Cans * * * of Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14855. I. S. Nos. 2901-t, 2902-t. S. No. C-3054.)

On May 11, 1921, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 one-pound cans, more or less, of coal-tar color, at McAllen, Tex., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about February 24, 1921, and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "W. B. Wood Mfg. Co., St. Louis, Mo., Complies with all requirements, * * *."

Adulteration of the article was alleged in the libel for the reason that sodium chlorid and sodium sulphate had been mixed and packed with, and substituted wholly or in part for, the article. Adulteration was alleged for the further reason that the said article contained an added poisonous or deleterious ingredient, arsenic, which might render it injurious to health.

Misbranding was alleged for the reason that the statement on the label of the can containing the said article, "Complies with all requirements, Warranted quality, color," was false and misleading and deceived and misled the purchaser.

On December 9, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10056. Misbranding of olive oil. U. S. * * * v. Poletti, Coda & Rebecchi, a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 14919. I. S. No. 13056-r.)

On August 1, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Poletti, Coda & Rebecchi, a corporation, New York, N. Y., alleging shipment by said company, on or about December 15, 1919, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Vermont, of a quantity of olive oil which was misbranded. The article was labeled in part, "Marca Poletico Olio Puro d'Olive Sublime La Miguore Marca * * * Half Gallon * * *."

Examination of a sample of the product by the Bureau of Chemistry of this department showed that the average measure on 24 cans was 0.48 gallon.

Misbranding of the article was alleged in the information for the reason that the statement "Half Gallon" borne on the cans containing the said article, regarding the article, was false and misleading in that it represented that each of the said cans contained one-half gallon of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained one-half gallon of the said article, whereas, in truth and in fact, each of the said cans did not contain one-half gallon of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 8, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10057. Adulteration and misbranding of coal-tar color. U. S. * * * v. 3 Pounds and 12 Ounces * * * of Coal-Tar Color, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15044, 15045, 15094. I. S. Nos. 2916-t, 2918-t, 2919-t, 2926-t, 2927-t. S. Nos. C-3076, C-3077, C-3088.)

On June 23 and 27, 1921, respectively, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of seven 1-pound cans and four 12-ounce lots of coal-tar color, at Houston, Tex., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about August 15, 1918, and January 27 and February 15, 1921, respectively, and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "W. B. Wood Mfg. Co., St. Louis, Mo. Complies with all requirements, * * *."

Adulteration of the article was alleged in substance in the libels for the reason that [sodium] chlorid and [sodium] sulphate had been mixed and packed with, and substituted wholly or in part for, the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, arsenic, which might render it injurious to health.

Misbranding of the article involved in the consignment of January 27, 1921, was alleged in substance for the reason that the statement on the label of the cans containing the said article, to wit, "Complies with all requirements, Warranted quality, color," was false and misleading and deceived and misled the purchaser.

On October 11, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10058. Adulteration of peanut butter. U. S. * * * v. 2 Barrels of Peanut Butter * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15078. I. S. No. 8487-t. S. No. E-3391.)

On June 22, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 barrels of peanut butter, remaining in the original unbroken packages at Baltimore, Md., consigned on or about May 25, 1921, alleging that the article had been shipped by the O. D. Peanut Corp., Norfolk, Va., and transported from the State of Virginia into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Old Dominion Peanut Corp. Con-B Brand Peanut Butter * * *."

Adulteration of the article was alleged in the libel for the reason that a substance, mineral oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article.

On October 17, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10059. Adulteration and misbranding of table oil. U. S. * * * v. 24 Cans of * * * Table Oil * * *. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15247. I. S. No. 8486-t. S. No. E-3486.)

On July 26, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 cans of table oil, remaining in the original unbroken packages at Baltimore, Md., consigned on or about June 4, 1921, alleging that the article had been shipped by Gamanos & Booskos, New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in substance in the libel for the reason that corn oil and cottonseed oil had been mixed and packed therewith so as to

reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby its inferiority was concealed.

Misbranding was alleged in substance for the reason that the labels of the cans containing the article bore certain statements, designs, and devices regarding the article and the ingredients and substances contained therein, as follows, "Finest Quality Table Oil Insuperabile * * * Termini Imerese Type," together with a design showing natives gathering olives from an olive tree and the use of the Italian language, not corrected by the statement at the bottom of the label in small, inconspicuous type, "Cottonseed Oil Slightly Flavored With Olive Oil," and the statement "One Quart," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so; for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article; and for the further reason that it was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On October 1, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled and sold by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10060. Adulteration and misbranding of vinegar. U. S. * * * v. 14 Barrels of Vinegar. Decree ordering release of product under bond. (F. & D. No. 9135. I. S. No. 11922-p. S. No. C-930.)

On July 9, 1918, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 14 barrels of vinegar, at Paragould, Ark., alleging that the article had been shipped by the Wallace-McLean Vinegar Co., Memphis, Tenn., on or about March 21, 1918, and transported from the State of Tennessee into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Wallace-McLean Vinegar Co., Memphis, Tenn., Elko Brand Vinegar * * *."

Adulteration of the article was alleged in substance in the libel for the reason that distilled vinegar or added acetic acid had been mixed and packed therewith so as to reduce and injuriously affect its quality and strength and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article had been artificially colored in a manner whereby its inferiority to genuine vinegar was concealed.

Misbranding was alleged in substance for the reason that the statement in the labeling thereof, to wit, "[Vinegar] Reduced By Water To 4%," was false and misleading and deceived the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered "as" sale under the distinctive name of, another article, to wit, vinegar.

On November 26, 1918, Chas. F. McLean having filed a claim and answer to the libel, praying permission to take the product down under bond, judgment of the court was entered ordering that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10061. Adulteration of grape flavor. U. S. * * * v. W. B. Wood Mfg. Co., a Corporation. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 12814. I. S. No. 7576-r.)

On September 29, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the W. B. Wood Mfg. Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 11, 1919, from the State of Missouri into the State of Illinois, of a quantity of grape flavor which was adulterated. The article was labeled in part: "Soluble Emulsion Concord Grape Flavor * * * Sole Manufacturers W. B. Wood Mfg. Co. Saint Louis, Missouri, * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a mixture of vegetable gum, sugar, and water, artificially colored and artificially flavored.

Adulteration of the article was alleged in the information for the reason that an imitation product composed of a vegetable gum, sugar, and water, artificially colored and artificially flavored, had been substituted for soluble emulsion Concord grape flavor, which the said article purported to be. Adulteration was alleged for the further reason that the article was a product inferior to soluble emulsion Concord grape flavor, to wit, a product composed of a vegetable gum, sugar, and water, prepared in imitation of, and artificially colored and flavored so as to simulate the appearance and the flavor of, soluble emulsion Concord grape flavor and in a manner whereby its inferiority to soluble emulsion Concord grape flavor was concealed.

On November 1, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10062. Misbranding of Hall's Texas Wonder. U. S. * * * v. 20 Bottles of * * * Hall's Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13000. I. S. No. 3522-r. S. No. W-624.)

On July 3, 1920, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 bottles of Hall's Texas Wonder, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by E. W. Hall, St. Louis, Mo., on or about March 13, 1920, and transported from the State of Missouri into the State of Oregon, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) " * * * A Remedy For Kidney and Bladder Troubles Weak and Lame Backs. Rheumatism and Gravel. Regulates Bladder Trouble in Children. * * * "; (circular headed "Read Carefully") " * * * In cases of Gravel and Rheumatic troubles it should be taken every night in 25-drop doses until relieved * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of copaiba, guaiac, extracts of rhubarb and colchicum, an oil similar to turpentine oil, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing upon the cartons containing the said article and in the accompanying circular, regarding the curative and therapeutic effects thereof, were false and fraudulent in that the said article contained no ingredients or combination of ingredients capable of producing the curative and remedial effects claimed.

On November 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10063. Misbranding of Bethesda spring water. U. S. * * * v. 25 Cases of Bethesda Spring Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13095. I. S. No. 8293-r. S. No. C-2050.)

On July 26, 1920, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases of Bethesda spring water, remaining unsold in the original unbroken packages at Grand Rapids, Mich., alleging that the article had been shipped by the Bethesda Mineral Spring Co., Waukesha, Wis., on or about November 17, 1919, and transported from the State of Wisconsin into the State of Michigan, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted chiefly of the bicarbonates of calcium and magnesium and sulphate of magnesium, with smaller amounts of other constituents.

Misbranding of the article was alleged in substance in the libel for the reason that the labels of the bottles and cases containing the said article bore certain statements regarding the curative and therapeutic effects thereof, to wit, (bottles) "Bethesda A Natural Spring Water An Effective Diuretic. Beneficial In The Treatment of Diabetes, Bright's Disease, Calculi, Inflammation of Bladder And Other Urinary Disorders. * * * Contents: One-Half Gallon," (case) "Bethesda, the Water of Quality, Waukesha, Wis.," which statements were false and fraudulent, since the said article contained no ingredients or combination of ingredients capable of producing the effects claimed.

On September 8, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10064. Misbranding of Wendell's Ambition pills. U. S. * * * v. 3 Dozen Packages of * * * Wendell's Ambition Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13680. I. S. No. 10311-t. S. No. W-766.)

On September 17, 1920, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 dozen packages of Wendell's Ambition pills, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Wendell Pharmacal Co., Syracuse, N. Y., on or about May 12, 1920, and transported from the State of New York into the State of Oregon, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box) "Gives Strength * * * Ambition Pills * * * Great Nerve Tonic. * * * For Nervousness, Nervous Debility, Weakness, Poor Blood, Kidney and Liver Complaints, Malaria, Rheumatism, Neuralgia, Exhausted Nervous Vitality, Nervous Prostration, Sleeplessness, Despondency, Mental Depression, Hysteria, Numbness, Trembling, Nervous Headaches, Dyspepsia, Indigestion, * * * affections of the Nervous System"; (carton) " * * * Pills Ambition Brand Beneficial in the treatment of Nervousness, Nervous Debility, Sleeplessness, Despondency, Mental Depression, Hysteria, Nervous Headaches, Dyspepsia, Indigestion, * * * Affections of the Nervous System, * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of plant tissues and extracts including nux vomica and cinchona, phosphorus, aloin, and spices, coated with a mixture of sugar and calcium carbonate and colored with a red dye.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing upon the boxes and cartons containing the said article, regarding its curative and therapeutic effects, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative and remedial effects claimed.

On November 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10065. Misbranding of Hall's catarrh medicine. U. S. * * * v. 8½ Dozen Bottles, 18 Dozen Bottles, et al., of * * * Hall's Catarrh Medicine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14014 to 14020, incl., 14075. Inv. Nos. 24963 to 24967, incl., 26328, 27614, 27615, 27862, 27863. S. Nos. E-2937, E-2923 to E-2928, incl.)

On December 11 and 14, 1920, respectively, the United States attorney for the Southern District of New York, and on December 13, 1920, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said districts libels for the seizure and condemnation of 107½ dozen bottles of Hall's catarrh medicine, remaining in the original unbroken packages at New York, N. Y., and Baltimore, Md., respectively, alleging that the article had been shipped by F. J. Cheney & Co. and the Cheney Medicine Co., respectively, Toledo, Ohio, between the dates July 21 and October 23, 1920, and transported from the State of Ohio into the States of New York and Maryland, respectively, and charging misbrand-

ing in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "Hall's Catarrh Medicine * * *"; (bottle) "Hall's Catarrh Medicine * * * valuable in the treatment of Catarrh, * * *"; (booklet) " * * * Ear, Throat, Stomach, Bowels or Bladder. * * * a blood purifier * * * Catarrh * * * nose, throat, ear passages, stomach, bowels, bladder, uterus, vagina, rectum, etc. * * * Catarrh of the Head. * * * small cavities, called antrums and sinuses, * * * This form of catarrh * * * should be conquered at all costs. * * * sense of smell * * * When the sense of smell has been destroyed by catarrh Hall's Catarrh Medicine * * * assists in restoring normal conditions. * * * Deafness * * * sometimes requires long treatment * * * it makes no difference with Hall's Catarrh Medicine where the disease is (head, stomach, bowels, bladder), it is all the same * * * My wife had been afflicted with Catarrh for over ten years. * * * she was confined to her bed from the effects of it. The second bottle, * * * gave her some relief, but she continued taking the medicine until almost nine bottles had been taken. She declares that she has not felt a single symptom of the painful and loathsome disease for over five months. The cure is certainly a permanent one. * * * a doctor * * * treated me for my lungs. I had a bad cough and expectorated very freely. He said my lungs were very badly affected; * * * I took one bottle and received so much benefit that I continued using it ever since * * * I was terribly afflicted with Catarrh of the Stomach. * * * I took from 22 to 27 bottles and it completely cured me. * * * Hall's Catarrh Medicine cured me of a bad case of Catarrh of over four years' standing. * * * every symptom has entirely disappeared and I am satisfied that the cure will be as permanent as it is complete. * * * I am absolutely free from Catarrh and have been since using eleven bottles as above. My catarrh trouble was of years standing and one of the worst cases possible. * * * I have had Catarrh for several years and last spring I took a violent headache. It was never easy, day or night, unless I was under the influence of opiates. I commenced in August to take Hall's Catarrh Medicine and before I had taken half a bottle my headache was gone and has not yet returned. * * * I * * * recommend it to everybody. * * * I had been a severe sufferer from Catarrh for ten years, * * * I took seven bottles of Hall's Catarrh Medicine and am now completely cured. * * * your medicine completely cured me of Catarrh, * * * I had catarrh and cold in the head which would come back every fall in the form of hay fever. * * * Hall's Catarrh Medicine * * * has completely restored me, and have not had a return of the trouble since. * * * have never found a case where it has not given perfect satisfaction. * * * it is the only medicine in which I could find a cure. Also it is the only medicine that purifies my blood. * * * I have been taking Hall's Catarrh Medicine for four months and received great relief from it. My hearing is better and my general health improved * * * I thought I had throat trouble, but the doctors said I had catarrh. * * * Before I took sick, I weighed 225 pounds. I had fallen off to 120 pounds. * * * began taking your medicine and now I weigh 155 pounds. * * * I had been down for two years and had four different doctors. * * * They said it was my liver, kidneys, stomach, etc. My food would not digest and I ran off at the bowels all the time. * * * I sent and bought twelve bottles * * * and am entirely well. * * * my sister * * * had been suffering for several years with catarrh in a very virulent form, and after using six bottles found herself entirely relieved. * * * My son had been troubled for some years with catarrh. * * * decided to give Hall's Catarrh Medicine a trial. Two bottles were sufficient to satisfy me it was no ordinary medicine. * * * 10 bottles effected what I believe to be a permanent cure. * * * Until two years ago I had catarrh in the most aggravated form. * * * was finally pronounced incurable by a specialist at Hot Springs. * * * took 12 bottles and am now sound and well * * * I have suffered from that miserable disease called catarrh. * * * I had faithfully used all the well known remedies, * * * Hall's Catarrh Medicine * * * I made up my mind to give it a trial, * * * I experience complete relief, * * * the second bottle will completely eradicate the disease. * * * Hall's Catarrh Medicine * * * cured me of a bad case of catarrh. * * * I was troubled with a ringing in my ears. * * * my head would become dizzy, my ears ring so fearfully and my stomach become sick. * * * it has cured me of the sick stomach, the dizziness and the ringing of the ears, * * * I was a victim of the obnoxious disease, catarrh of the head. My case was certainly a bad one. I was so reduced in flesh and my friends scarcely recognized me. It also

affected my breast and throat. My sense of smell was totally gone. In fact, I became so feeble that I did not know whether I would live until spring. * * * have been greatly benefited and know it will effect a permanent cure. * * * I had a bad case of catarrh in the head, and I took twenty bottles of Hall's Catarrh Medicine and it fixed me all right. * * * I have been afflicted with this dreadful disease for the past twelve years. I have used three bottles Hall's Catarrh Medicine which has had marvelous effect. My hearing has been fully restored, * * * I feel sure that by continued use of the medicine I will make the cure a permanent one. * * * I have suffered from catarrh for about five years * * * I commenced to use Hall's Catarrh Medicine last February. I must say that it is a success; the dropping in my throat disappeared entirely after the first bottle. It increased my appetite, * * * I have recommended it to others, and all who used it have been greatly relieved. * * * After trying several specialists for catarrh of the head and stomach and getting but little relief, I decided to give Hall's Catarrh Medicine a fair trial. * * * it has done more for me than all other remedies combined. * * * I have been a sufferer from catarrh of the head for nearly six years, and until three months ago I could not breathe through my nose at all, * * * I took one bottle of your remedy and before it was half taken, I had a terrible discharge at the nose, also a hacking cough, but got relief from the first bottle. I now have taken twenty-seven bottles and I feel the best I ever felt, * * * It has cured my catarrh * * * my wife * * * had suffered everything for years with catarrh and was run down to nothing. She started taking Hall's Catarrh Medicine and after she had taken a dozen bottles had gained twelve pounds. * * * I have been a user of Hall's Catarrh Medicine to the amount of forty-five bottles, and knowing what a splendid cure and tonic it is, still having full confidence in an ultimate cure of a very severe case of 'perennial catarrh,' cast aside by all the best physicians of my native city, I have concluded that twelve bottles more will cause an entire cure. * * * I have a little boy who had catarrh just as bad as anybody could have it, * * * your medicine * * * cured him. * * * I had been a great sufferer for one year * * * I began to use Hall's Catarrh Medicine and in one week's time was greatly benefited. I used it constantly for two years, and really feel that my old trouble is completely cured and I am positive that any person suffering with catarrh in any form can be cured by the use of this preparation. * * * it saved my life * * * my wife was attacked with stomach trouble. * * * after taking twenty-four bottles she was restored to health within 15 months. * * * I have been using your catarrh remedy for a short time and find it to be the best I have ever seen, * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodid, bitter plant extractives, cardamom, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing on the labels of the bottles and cartons and in the accompanying circular, regarding the curative and therapeutic effect of the said article, were false and fraudulent for the reason that the article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On October 13 and December 2, 1921, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10066. Misbranding of Haskin's Nervine. U. S. * * * v. 59 Bottles of Haskin's Nervine, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14475, 14476, 14477, 14480, 14481, 14482. Inv. Nos. 29394, 29395, 29396, 29406, 29408, 29409, 29510. S. Nos. E-3130, E-3131, E-3132, E-3133, E-3140, E-3141, E-3142.)

On February 18 and 19, 1921, respectively, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 239 bottles of Haskin's Nervine, remaining in the original unbroken packages at Pittsburgh, Johnstown, Kane, Saint Marys, and Bradford, Pa., respectively, alleging that the article had been shipped by the Haskin Medicine Co., Binghamton, N. Y., between the dates July 26, 1920, and January 17, 1921, and transported from the State of New York into the

State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a solution of Epsom salt in water, sweetened, flavored, and colored with caramel.

Misbranding of the article was alleged in the labels for the reason that the label thereof bore statements of guaranty and serial number and the statement, "A Purely Vegetable Compound," which were false and misleading. Misbranding was alleged in substance for the further reason that the following statements appearing on the cartons and bottles containing the said article, regarding the curative and therapeutic effects thereof, (bottle) " * * * Nervine The Great Nerve Tonic and Blood Purifier. * * * For Liver Complaint. Female Weakness, Nervous Affections, Rheumatism, Kidney Trouble, Dyspepsia, Indigestion, * * * Biliousness and Catarrh * * * Nervous Diseases, Pains in the Heart and Shoulders, * * * Indigestion, Headache, Heartburn, Loss of Appetite, Dizziness, Numbness, Nausea, Fluttering of the Heart, Faintness, Rheumatism and Kidney Trouble. * * * Nervous Prostration and Female Complaints * * * It strengthens the nerves, Purifies the Blood, Tones up the System, Makes New, Rich Blood, Clear Skin, and Ensures Perfect Health." (carton) " * * * Nervine. The Great Tonic, Nervine and Blood Purifier. * * * It Strengthens the Nerves, Purifies the Blood, Tones Up the System, Makes New, Rich Blood, Clear Skin, * * * The Great Nerve and Blood Tonic. * * * It acts upon the glandular system, increasing the functional activity of the body, it at once makes known its wonderful power of renovating and enriching the blood, and invigorates the whole system. As a remedy for diseases of the Stomach, Liver and Kidneys, Dyspepsia, Indigestion, Loss of Appetite, Sick Headache, Dizziness, Female Weakness, Nervous Prostration, Emaciation, General Debility, Rheumatism, Heart Trouble, Eruptions of the Skin, Pimples, Boils, Tumors, Scrofulous Affections, Cancerous Humors, Salt Rheum, Catarrh, Ringworm, Carbuncles, Ulcers and Sores, Syphilitic Affections, Malarial Poison, Pain in the Bones, or in fact any disease originating from an impure state or low condition of the blood and nerves, * * * While eradicating and expelling the germs of disease, it at the same time builds up and invigorates, giving new life and energy to the whole system * * *," were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 28 and December 9, 1921, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10067. Adulteration of Creole dinner. U. S. * * * v. 15 Cases * * * of Creole Dinner. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14974. I. S. No. 12753-t. S. No. C-3072.)

On June 2, 1921, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 cases of Creole dinner, at Houston, Tex., alleging that the article had been shipped by the McIlhenny Co., New Iberia, La., on or about November 8, 1920, and transported from the State of Louisiana into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Creole Dinner * * * Packed by McIlhenny Co., Avery Island, La."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On October 11, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10068. Adulteration and misbranding of grape juice. U. S. * * * v. 17 Cases of California Concord Grape Juice. Default decree of condemnation and forfeiture. Product ordered sold or distributed to charitable institutions. (F. & D. No. 14991. I. S. No. 10668-t. S. No. W-977.)

On or about June 27, 1921, the United States attorney for the District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and con-

demnation of 17 cases of Concord grape juice, remaining unsold in the original unbroken packages at Yakima, Wash., alleging that the article had been shipped on or about February 25, 1920, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "California Concord * * * Unfermented Grape Juice Manufactured By G. Maselli * * * Distributors Uva Grape Products Co., Fresno, California."

Adulteration of the article was alleged in the libel for the reason that a juice of a grape other than Concord, containing an artificial flavor and added phosphoric acid, had been substituted wholly or in part for juice made from the Concord grape.

Misbranding was alleged in substance for the reason that the article was a juice of an inferior variety of grapes, fortified with artificial flavor and was an imitation of, and was offered for sale under the distinctive name of, another article and for the further reason that the statement on the bottles containing the said article, to wit, "Concord Grape Juice," was false and misleading and deceived and misled the purchaser when applied to a product consisting of a mixture of grape juice, artificial flavor, and added phosphoric acid.

On October 11, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal or distributed to charitable institutions.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10069. Misbranding of Nervosex tablets. U. S. * * * v. 4 Boxes * * * of Drug Products. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15165. Inv. No. 30885. S. No. C-8121.)

On July 19, 1921, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 boxes of drug products, at Groveton, Tex., alleging that the article had been shipped by the United Laboratories, St. Louis, Mo., on or about August 20, 1920, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Nervosex Tablets. A compound of Nerve and Muscle Stimulants for Low Vitality, Lack of Energy, Sexual Weakness * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets contained, essentially, extract of plant material, including nux vomica, and compounds of iron, calcium, zinc, and phosphorus.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted label appearing upon the box containing the said article, regarding the curative or therapeutic effects thereof, was false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On October 11, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10070. Misbranding of cottonseed meal and cake. U. S. * * * v. Dallas Oil & Refining Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 8570. I. S. Nos. 20347-m, 20348-m.)

On March 6, 1918, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dallas Oil & Refining Co., a corporation, Dallas, Tex., alleging shipment by said company, on or about February 28, 1917, in violation of the Food and Drugs Act, as amended, from the State of Texas into the State of Kansas, of quantities of cottonseed meal and cottonseed cake which were misbranded.

Analysis of a sample of the cottonseed cake by the Bureau of Chemistry of this department showed that it contained approximately 39.75 per cent of protein. Analysis of a sample of the cottonseed meal by said bureau showed that it contained approximately 38.57 per cent of protein and 13.97 per cent of crude fiber.

Misbranding of the articles was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 43 per cent. * * * Crude Fibre 10 to 12 per cent.," borne on the tags attached to the sacks containing the cottonseed meal, and the statement, "Guaranteed Analysis Protein 43 per cent.," borne on the tags attached to the sacks containing the cottonseed cake, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the articles contained not less than 43 per cent of protein and that the cottonseed meal contained not more than 12 per cent of crude fiber, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained not less than 43 per cent of protein and that the cottonseed meal contained not more than 12 per cent of crude fiber, whereas, in truth and in fact, the said articles did contain less than 43 per cent of protein, to wit, 38.57 and 39.75 per cent, respectively, and the said cottonseed meal did contain more than 12 per cent of crude fiber, to wit, 13.97 per cent. Misbranding was alleged for the further reason that the articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 22, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10071. Misbranding of chocolate-covered cherries. U. S. * * * v. The Capen-Schaetzel Chocolate Co., a Corporation. Plea of guilty. Fine, \$5 and costs. (F. & D. No. 14513. I. S. No. 10237-t.)

On June 1, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Capen-Schaetzel Chocolate Co., a corporation, Denver, Colo., alleging shipment by said company, on or about February 28, 1920, in violation of the Food and Drugs Act, as amended, from the State of Colorado into the State of Wyoming, of a quantity of chocolate-covered cherries which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 5, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10072. Misbranding of peaches. U. S. * * * v. Thomas Hilton Peppers. Plea of guilty. Fine, \$5 and costs. (F. & D. No. 14515. I. S. No. 1963-t.)

On May 31, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas Hilton Peppers, Hotchkiss, Colo., alleging shipment by said defendant, on or about September 15, 1920, in violation of the Food and Drugs Act, as amended, from the State of Colorado into the State of Texas, of a quantity of peaches contained in unlabeled baskets, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 9, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10073. Adulteration and misbranding of egg noodles. U. S. * * * v. Masaichi Ishikawa (Denver Noodle Factory). Plea of guilty. Fine, \$5 and costs. (F. & D. No. 14527. I. S. No. 10256-t.)

On May 31, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Masaichi Ishikawa, trading as the Denver Noodle Factory, Denver, Colo., alleging shipment by said defendant, on or about July 27, 1920, in violation of the Food and Drugs

Act, as amended, from the State of Colorado into the State of Utah, of a quantity of egg noodles which were adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained little or no egg.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, an alimentary paste containing little or no egg, had been substituted for egg noodles, which the article purported to be.

Misbranding was alleged for the reason that the boxes containing the article bore a statement, to wit, "Egg Noodles," regarding the said article and the ingredients contained therein, which was false and misleading in that the said statement represented to the purchaser thereof that the article was egg noodles, whereas, in fact and in truth, it was not egg noodles, but was a product containing little or no egg. Misbranding was alleged for the further reason that the article was a product composed practically wholly of an alimentary paste, prepared in imitation of egg noodles, and was offered for sale under the distinctive name of another article, to wit, egg noodles. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 5, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10074. Misbranding of apples. U. S. * * * v. Thomas H. Peppers. Plea of guilty. Fine, \$5 and costs. (F. & D. No. 14738. I. S. No. 1722-t.)

On June 14, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas H. Peppers, Montrose, Colo., alleging shipment by said defendant, on or about September 30, 1920, in violation of the Food and Drugs Act, as amended, from the State of Colorado into the State of Texas, of a quantity of apples contained in boxes, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 9, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10075. Misbranding of apples. U. S. * * * v. Union Fruit Co., a Corporation. Plea of guilty. Fine, \$5 and costs. (F. & D. No. 14739. I. S. No. 1717-t.)

On June 9, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Union Fruit Co., a corporation, Paonia, Colo., alleging shipment by said company, on or about October 5, 1920, in violation of the Food and Drugs Act, as amended, from the State of Colorado into the State of Texas, of a quantity of apples contained in unlabeled baskets, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 20, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10076. Misbranding of peaches. U. S. * * * v. Associated Fruit Co., a Corporation. Plea of guilty. Fine, \$5 and costs. (F. & D. No. 14740. I. S. No. 1633-t.)

On June 14, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Associated Fruit Co., a corporation, Delta, Colo., alleging shipment by said company, on or about September 25, 1920, in violation of the Food and Drugs Act, as

amended, from the State of Colorado into the State of Louisiana, of a quantity of peaches in unlabeled baskets, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 20, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10077. Misbranding of La Provence Brand oil. U. S. * * * v. 19 Cans * * * of Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15147. I. S. No. 5491-t. S. No. E-3482.)

On July 23, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 19 cans of vegetable oil, at Worcester, Mass., alleging that the article had been shipped by the Littauer Oil Co., Guttenberg, N. J., on or about June 9, 1921, and transported from the State of New Jersey into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "La Provence Brand Oil. * * * Littauer Oil Co., Guttenberg, N. J. * * * One Gallon."

Misbranding of the article was alleged in the libel for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "One Gallon," was incorrect, and represented more than the actual contents of the said package.

On November 14, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal after having been properly branded so as to show the correct weight thereof.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10078. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 88 Cases * * * of Tomatoes, et al. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15493, 15494. I. S. Nos. 7912-t, 7914-t. S. Nos. E-3611, E-3613.)

On October 21, 1921, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 248 cases of canned tomatoes, remaining in the original unbroken packages at Philadelphia, Pa., consigned by D. E. Foote & Co., Inc., Baltimore, Md., alleging that the article had been shipped from Baltimore, Md., on or about September 3 and 12, 1921, respectively, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Tomatoes * * * Packed by D. E. Foote & Co. Inc. * * *."

Adulteration of the article was alleged in the libels for the reason that water and puree, pulp, or juice from skins and cores had been mixed and packed with, and substituted wholly or in part for, canned tomatoes. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the cans containing the article bore the statement, to wit, "Tomatoes," together with a cut or design showing a red ripe tomato, which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On December 6, 1921, D. E. Foote & Co., Inc., Baltimore, Md., claimant, having admitted the averments of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,000, conditioned in part that the said product be relabeled under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10079. Adulteration and misbranding of table oil. U. S. * * * v. 122 One-Gallon Cans of Table Oil * * *. Decree ordering release of product under bond. (F. & D. No. 15503. I. S. No. 8504-t. S. No. E-3618.)

On October 26, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 122 one-gallon cans of table oil, consigned on or about September 3, 1921, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Banfi Co., Inc., New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that the said article had been mixed in a manner whereby damage or inferiority had been concealed.

Misbranding was alleged in substance for the reason that the package or label bore a statement, design, or device regarding the article and the ingredients or substances contained therein, to wit, "Finest Quality Table Oil Tipo Termini Imerese * * * 1 Gallon Net," together with a cut showing olive picking scene, which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made thereon was not correct.

On November 22, 1921, the Banfi Co., Inc., New York, N. Y., having filed a claim and answer to the libel admitting the allegations thereof with respect to the misbranding of the article to be true, and praying permission to repack the said article in other containers, judgment of the court was entered ordering the release of the product to the said claimant upon the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be relabeled, in compliance with the law.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10080. Misbranding of butter. U. S. * * * v. Jones Baker. Collateral of \$25 forfeited. (F. & D. No. 612-c.)

On September 9, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Jones Baker, Washington, D. C., alleging that on August 25, 1920, the said defendant did sell and offer for sale in the District of Columbia, in violation of the Food and Drugs Act, a quantity of butter which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was process butter and was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, butter.

On September 9, 1920, the defendant having failed to enter an appearance, the \$25 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10081. Adulteration of milk. U. S. * * * v. George K. Chaconas. Collateral of \$25 forfeited. (F. & D. No. 613-c.)

On September 15, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against George K. Chaconas, Washington, D. C., alleging that on August 23, 1920, the said defendant did sell and offer for sale in the District of Columbia, in violation of the Food and Drugs Act, a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a valuable constituent thereof, to wit, butter fat, had been wholly or in part abstracted therefrom.

On September 15, 1920, the defendant having failed to enter an appearance, the \$25 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10082. Adulteration of milk. U. S. * * * v. Louis Mandes. Collateral of \$25 forfeited. (F. & D. No. 614-c.)

On September 16, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Louis Mandes, Washington, D. C., alleging that on August 24, 1920, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain valuable constituent thereof, to wit, butter fat, had been wholly or in part abstracted therefrom.

On September 16, 1920, the defendant having failed to enter an appearance, the \$25 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10083. Adulteration of milk. U. S. * * * v. Parros Papageorge. Collateral of \$25 forfeited. (F. & D. No. 615-c.)

On September 17, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Parros Papageorge, Washington, D. C., alleging that on August 24, 1920, the said defendant did sell and offer for sale in the District of Columbia, in violation of the Food and Drugs Act, a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain valuable constituent thereof, to wit, butter fat, had been wholly or in part abstracted therefrom.

On September 17, 1920, the defendant having failed to enter an appearance, the \$25 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10084. Adulteration of milk. U. S. * * * v. Anthony G. Mandes. Collateral of \$25 forfeited. (F. & D. No. 616-c.)

On September 20, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Anthony G. Mandes, Washington, D. C., alleging that on August 23, 1920, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain valuable constituent thereof, to wit, butter fat, had been abstracted therefrom in whole or in part.

On September 21, 1920, the defendant having failed to enter an appearance, the \$25 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10085. Adulteration of milk. U. S. * * * v. Charles C. Rogers. Collateral of \$25 forfeited. (F. & D. No. 617-c.)

On September 23, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Charles C. Rogers, Washington, D. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, on August 23, 1920, from Herndon, in the State of Virginia, into the District of Columbia, of a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain valuable constituent thereof, to wit, butter fat, had been wholly or in part abstracted therefrom.

On September 23, 1920, the defendant having failed to enter an appearance, the \$25 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10086. Adulteration of milk. U. S. * * * v. Reginald J. Darby. Collateral of \$50 forfeited. (F. & D. No. 618-c.)

On September 24, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Reginald J. Darby, Washington, D. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, on July 6, 1920, from Buck Lodge, in the State of Maryland, into the District of Columbia, of a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain valuable constituent thereof, to wit, butter fat, had been wholly or in part abstracted therefrom.

On September 24, 1920, the defendant having failed to enter an appearance, the \$50 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10087. Adulteration of fruit sirups. U. S. * * * v. Nathalie Xydias. Plea of guilty. Fine, \$50. (F. & D. No. 619-c.)

On September 28, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Nathalie Xydias, Washington, D. C., alleging that on September 14, 1920, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of fruit sirups which were adulterated.

Adulteration of the article was alleged in the information for the reason that it contained added deleterious ingredients which rendered the said article injurious to health.

On September 28, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10088. Adulteration of lard. U. S. * * * v. Samuel Chesivour. Plea of guilty. Fine, \$25. (F. & D. No. 620-c.)

On October 5, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Samuel Chesivour, Washington, D. C., alleging that on September 20, 1920, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of lard which was adulterated.

Adulteration of the article was alleged in the information for the reason that it contained a certain other substance, to wit, oleo stearin, which had been substituted in whole or in part for the said article.

On October 5, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10089. Adulteration of lard. U. S. * * * v. Frank Kidwell. Plea of guilty. Fine, \$25. (F. & D. No. 621-c.)

On October 6, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Frank Kidwell, Washington, D. C., alleging that on September 22, 1920, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of lard which was adulterated.

Adulteration of the article was alleged in the information for the reason that it contained certain other substances, to wit, beef fat and stearin, which had been substituted in whole or in part for the said article.

On October 6, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10090. Adulteration of milk. U. S. * * * v. Joseph F. Hale. Collateral of \$50 forfeited. (F. & D. No. 623-c.)

On October 19, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Joseph F. Hale, Washington, D. C., alleging shipment by the said defendant, in violation of the Food and Drugs Act, on September 25, 1920, from Nokesville, in the State of Virginia, into the District of Columbia, of a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain valuable constituent thereof, to wit, butter fat, had been wholly or in part abstracted therefrom.

On October 19, 1920, the defendant having failed to enter an appearance, the \$50 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10091. Adulteration of milk. U. S. * * * v. Carl Glaettli. Collateral of \$50 forfeited. (F. & D. No. 624-c.)

On October 22, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Carl Glaettli, Washington, D. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, on September 23, 1920, from Catlett, in the State of Virginia, into the District of Columbia, of a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain valuable constituent thereof, to wit, butter fat, had been wholly or in part abstracted therefrom.

On October 22, 1920, the defendant having failed to enter an appearance, the \$50 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10092. Adulteration of milk. U. S. * * * v. Thomas T. Barnsley. Collateral of \$50 forfeited. (F. & D. No. 625-c.)

On October 22, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Thomas T. Barnsley, Washington, D. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, on September 22, 1920, from Derwood, in the State of Maryland, into the District of Columbia, of a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain valuable constituent thereof, to wit, butter fat, had been wholly or in part abstracted therefrom.

On October 22, 1920, the defendant having failed to enter an appearance, the \$50 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10093. Adulteration of milk. U. S. * * * v. William C. Bates. Collateral of \$25 forfeited. (F. & D. No. 626-c.)

On December 6, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against William C. Bates, Washington, D. C., alleging that on November 24, 1920, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain valuable constituent thereof, to wit, butter fat, had been wholly or in part abstracted therefrom.

On December 6, 1920, the defendant having failed to enter an appearance, the \$25 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10094. Adulteration of milk. U. S. * * * v. James McGuire. Collateral of \$20 forfeited. (F. & D. No. 627-c.)

On December 10, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against James McGuire, Washington, D. C., alleging that on November 26, 1920, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain valuable constituent thereof, to wit, butter fat, had been wholly or in part abstracted therefrom.

On December 10, 1920, the defendant having failed to enter an appearance, the \$20 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10095. Adulteration of milk. U. S. * * * v. Nick Chollis. Collateral of \$25 forfeited. (F. & D. No. 628-c.)

On December 11, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Nick Chollis, Washington, D. C., alleging that on November 24, 1920, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain valuable constituent thereof, to wit, butter fat, had been wholly or in part abstracted therefrom.

On December 11, 1920, the defendant having failed to enter an appearance, the \$25 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10096. Adulteration of milk. U. S. * * * v. Michael J. Lynch. Collateral of \$25 forfeited. (F. & D. No. 629-c.)

On December 11, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Michael J. Lynch, Washington, D. C., alleging that on November 24, 1920, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain valuable constituent thereof, to wit, butter fat, had been wholly or in part abstracted therefrom.

On December 11, 1920, the defendant having failed to enter an appearance, the \$25 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10097. Adulteration of milk. U. S. * * * v. Antimo D. Francisco. Plea of guilty. Fine, \$10. (F. & D. No. 631-c.)

On December 10, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Antimo D. Francisco, Washington, D. C., alleging that on November 23, 1920, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain valuable constituent thereof, to wit, butter fat, had been wholly or in part abstracted therefrom.

On December 20, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10098. Adulteration of milk. U. S. * * * v. George Windham. Plea of guilty. Fine, \$25. (F. & D. No. 632-c.)

On March 23, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against George Windham, Washington, D. C., alleging that on March 11, 1921, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a valuable constituent thereof, to wit, butter fat, had been wholly or in part abstracted therefrom, thus lowering and reducing its quality and strength.

On March 23, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10099. Adulteration of milk. U. S. * * * v. Marvin T. Morris. Plea of guilty. Fine, \$25. (F. & D. No. 633-c.)

On March 23, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Marvin T. Morris, Washington, D. C., alleging that on March 1, 1921, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a valuable constituent thereof, to wit, butter fat, had been wholly or in part abstracted therefrom, thus lowering and reducing its quality and strength.

On March 23, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10100. Adulteration of milk. U. S. * * * v. E. M. Crawford. Collateral of \$25 forfeited. (F. & D. No. 634-c.)

On April 5, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against E. M. Crawford, Washington, D. C., alleging shipment by said defendant, on March 19, 1921, in violation of the Food and Drugs Act, from Gaithersburg, in the State of Maryland, into the District of Columbia, of a quantity of milk which was adulterated.

Adulteration of the article was alleged in substance in the information for the reason that a certain substance, to wit, water, had been mixed and packed therewith so as to reduce and lower its quality.

On April 5, 1921, the defendant having failed to enter an appearance, the \$25 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

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United States Department of Agriculture.

BUREAU OF CHEMISTRY.

W. G. CAMPBELL, Acting Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS. SUPPLEMENT.

N. J. 10101-10150.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 29, 1922.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

10101. Adulteration of milk. U. S. * * * v. Mitchell W. Beard. Plea of guilty. Fine, \$200. (F. & D. No. 635-c.)

On April 20, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Mitchell W. Beard, Washington, D. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, on April 12, 1921, from Gaithersburg, in the State of Maryland, into the District of Columbia, of a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality.

On April 20, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10102. Adulteration of bologna. U. S. * * * v. Fred A. Spicer and Charles H. Leavell (Joseph Phillips & Co.). Collateral of \$50 forfeited. (F. & D. No. 636-c.)

On April 20, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Fred A. Spicer and Charles H. Leavell, partners, trading as Joseph Phillips & Co., Washington, D. C., alleging that on March 30, 1921, the said defendants did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of bologna which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, an excessive amount of cereal, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality.

On April 21, 1921, the defendants having failed to enter an appearance, the \$50 collateral which had been deposited by them to insure their appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10103. Adulteration of milk. U. S. * * * v. Paul Kokalis. Plea of guilty. Fine, \$50. (F. & D. No. 637-c.)

On April 21, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Paul Kokalis, Washington, D. C., alleging that on April 8, 1921, the said defendant did offer for sale and

sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain valuable constituent thereof, to wit, butter fat, had been wholly or in part abstracted therefrom.

On April 21, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10104. Adulteration of milk. U. S. * * * v. John Karas. Plea of guilty. Fine, \$25. (F. & D. No. 638-c.)

On July 6, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against John Karas, Washington, D. C., alleging that on June 15, 1921, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a valuable constituent thereof, to wit, butter fat, had been wholly or in part abstracted therefrom, thus lowering its quality and strength.

On July 6, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10105. Adulteration of milk. U. S. * * * v. George Donniss. Plea of guilty. Fine, \$25. (F. & D. No. 639-c.)

On July 6, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Geo. Donniss, Washington, D. C., alleging that on June 15, 1921, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a valuable constituent thereof, to wit, butter fat, had been wholly or in part abstracted therefrom, thus lowering its quality and strength.

On July 6, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10106. Adulteration of butter. U. S. * * * v. Harry Lambros. Plea of guilty. Fine, \$25. (F. & D. No. 640-c.)

On July 11, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Harry Lambros, Washington, D. C., alleging that on June 15, 1921, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of butter which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain valuable constituent thereof, to wit, butter fat, had been wholly or in part abstracted therefrom.

On July 11, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10107. Adulteration of mackerel. U. S. * * * v. Abraham M. Harris. Plea of guilty. Fine, \$25. (F. & D. No. 641-c.)

On July 13, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Abraham M. Harris, Washington, D. C., alleging that on June 13, 1921, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of mackerel which was adulterated.

Adulteration of the article was alleged in the information for the reason that it contained added deleterious substances which rendered the same unfit for human consumption.

On July 13, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10108. Adulteration of milk. U. S. * * * v. Turner Ratrie. Plea of guilty. Fine, \$25. (F. & D. No. 642-c.)

On July 18, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Turner Ratrie, Elkwood, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on June 14, 1921, from the State of Virginia into the District of Columbia, of a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality.

On July 18, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10109. Adulteration of sirup. U. S. * * * v. Samuel Schulman. Collateral of \$50 forfeited. (F. & D. No. 643-c.)

On July 19, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Samuel Schulman, Washington, D. C., alleging that on July 7, 1921, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of sirup which was adulterated.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal or vegetable substance.

On July 19, 1921, the defendant having failed to enter an appearance, the \$50 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10110. Adulteration of pork meat. U. S. * * * v. Old Dutch Market, Inc. Plea of guilty. Fine, \$100. (F. & D. No. 644-c.)

On August 8, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against the Old Dutch Market, Inc., Washington, D. C., alleging that on July 29, 1921, the said company did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of pork meat which was adulterated.

Adulteration of the article was alleged in substance in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On August 8, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10111. Adulteration of cand'y. U. S. * * * v. Columbus W. Henry. Collateral of \$25 forfeited. (F. & D. No. 645-c.)

On August 9, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Columbus W. Henry, Washington, D. C., alleging that on July 19, 1921, the said defendant did offer for sale in the District of Columbia, in violation of the Food and Drugs Act, a quantity of candy which was adulterated.

Adulteration of the article was alleged in the information for the reason that it contained a putrid, decomposed, and filthy animal substance, to wit, worms.

On August 9, 1921, the defendant having failed to enter an appearance, the \$25 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10112. Adulteration of milk. U. S. * * * v. A. Owen McLearen. Collateral of \$25 forfeited. (F. & D. No. 646-c.)

On August 9, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against A. Owen McLearen, Washington,

D. C., alleging shipment by said defendant, on July 23, 1921, in violation of the Food and Drugs Act, from Catlett, in the State of Virginia, into the District of Columbia, of a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, water, had been mixed with the said article, thereby reducing and lowering its quality and strength.

On August 9, 1921, the defendant having failed to enter an appearance, the \$25 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10113. Adulteration of candy. U. S. * * * v. Hyman Siegel. Collateral of \$25 forfeited. (F. & D. No. 647-c.)

On August 17, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Hyman Siegel, Washington, D. C., alleging that on August 1, 1921, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of candy which was adulterated.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On August 17, 1921, the defendant having failed to enter an appearance, the \$25 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10114. Adulteration and misbranding of grape juice. U. S. * * * v. A. Schmidt Jr. & Bros. Wine Co., a Corporation. Plea of nolo contendere. Fine, \$20 and costs. (F. & D. No. 8358. I. S. Nos. 11035-m, 11103-m.)

On October 1, 1917, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the A. Schmidt Jr. & Bros. Wine Co., a corporation, Sandusky, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 20, 1916, from the State of Ohio into the State of Illinois, of quantities of grape juice which was adulterated and misbranded. A portion of the article was labeled in part, (bottle) "One Quart. Juno Unfermented Grape Juice * * *." The remainder of the article was labeled in part, (bottle) "Rex Brand White Grape Juice * * * Rex Grape Juice Company Chicago."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and for the further reason that added water had been substituted in part for grape juice, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Grape Juice," borne on the labels attached to the bottles containing the said article, regarding the article and the ingredients and substances contained therein, and the statement, to wit, "Rex Grape Juice Company Chicago," borne on the labels attached to a portion of the said bottles, were false and misleading in that they represented that the article consisted exclusively of grape juice and that the said portion was manufactured by the Rex Grape Juice Co., of Chicago, Ill., and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted exclusively of grape juice and that a portion thereof was manufactured by the Rex Grape Juice Co., of Chicago, Ill., whereas, in truth and in fact, the said article did not consist exclusively of grape juice, but did consist of a mixture composed in part of added water and the said portion was not manufactured by the Rex Grape Juice Co., of Chicago, Ill., but was manufactured by the A. Schmidt Jr. & Bros. Wine Co., at Sandusky, Ohio.

On December 7, 1920, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10115. Misbranding of hog cholera mixture. U. S. * * * v. 20 Bottles of * * * Wm. Hall's Hog Cholera Mixture. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9166. I. S. No. 12161-p. S. No. C-935.)

On July 24, 1918, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 bottles of Wm. Hall's hog cholera mixture, at Marianna, Ark., consigned by James F. Ballard, St. Louis, Mo., and received on or about June 14, 1918, alleging that the article had been shipped from St. Louis, Mo., and transported from the State of Missouri into the State of Arkansas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottles) "Wm. Hall's Hog Cholera Mixture * * * Prepared by The Wm. Hall Medicine Co. James F. Ballard, Prop. St. Louis, Missouri * * *"; (carton) "Wm. Hall's Hog Cholera Mixture Is Recommended For Cholera * * * Directions. * * * For those that are not yet sick, but have been with infected hogs or in infected places, give the dose and treatment, described as a preventive, * * * This will tend to destroy the germ of the disease before it has a chance to develop."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of turpentine oil, sodium thiosulphate, sodium bicarbonate, calcium carbonate, tar, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing on the bottle label and carton were false and fraudulent, since the said article contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On October 2, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10116. Misbranding of Dr. Hebras blood, liver, and nerve tonic. U. S. * * * v. G. C. Bittner Co., a Corporation. Plea of nolo contendere. Fine, \$10. (F. & D. No. 9757. I. S. No. 6369-r.)

On May 5, 1919, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the G. C. Bittner Co., a corporation, Toledo, Ohio, alleging shipment by said company, on or about May 17, 1918, in violation of the Food and Drugs Act, as amended, from the State of Ohio into the State of Illinois, of a quantity of Dr. Hebras blood, liver, and nerve tonic which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of water, magnesium sulphate, a trace of salicylic acid, and a small amount of plant material.

Misbranding of the article was alleged in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles containing the said article, falsely and fraudulently represented it to be effective as a treatment and preventive for nonchronic rheumatism, blood disorders, stomach trouble, liver and kidney complaints, sick headache, malaria, indigestion, dyspepsia, and skin diseases and as a blood, liver, and nerve tonic, when, in fact and in truth, it was not.

On October 9, 1919, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10117. Misbranding of cottonseed feed. U. S. * * * v. Planters Oil Co. and Taylor Commission Co., Corporations. Pleas of guilty. Fines, \$300. (F. & D. No. 10595. I. S. Nos. 2882-p, 2884-p, 2895-p.)

On February 28, 1920, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Planters Oil Co., a corporation, Albany, Ga., and the Taylor Commission Co., a corporation, Atlanta, Ga., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about February 9, 14, and 21, 1918, respectively, from the State of Georgia into the State of North Carolina, of quantities of cottonseed feed which was misbranded. The article was labeled in part, "'Planco' Brand Cotton Seed Feed Manufactured by Planters Oil Co., Albany, Ga. * * *."

Analyses of samples from the various consignments of the article by the Bureau of Chemistry of this department showed the presence of 26.4 per cent, 26.7 per cent, and 26.1 per cent, respectively, of crude fiber. Examination of the said samples showed the presence of 56 per cent, 50 per cent, and 62 per cent, respectively, of what were apparently delinted ground cottonseed hulls.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Crude Fiber, (Max.) 22%" and "Made exclusively from High Grade Cotton Seed Meal and Bolted Hull Bran," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article contained not more than 22 per cent of crude fiber and that it was made exclusively from high grade cottonseed meal and bolted hull bran, and for the further reason that the said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not more than 22 per cent of crude fiber and that it was made exclusively from high grade cottonseed meal and bolted hull bran, whereas, in truth and in fact, it did contain more than 22 per cent of crude fiber, and it was not made exclusively from high grade cottonseed meal and bolted hull bran but was a product containing ground cottonseed hulls.

On September 21, 1920, a plea of guilty to the information was entered on behalf of the Planters Oil Co., and the court imposed a fine of \$150. On October 20, 1921, a plea of guilty to the information was entered on behalf of the Taylor Commission Co., and the court imposed a fine of \$150.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10118. Misbranding of American hog remedy. U. S. * * * v. Chaney A. Jones, P. E. Prouse, George W. Hoffman, Jacob Clady, and Ralph W. Harris (The American Remedy Co.). Pleas of nolo contendere. Fine, \$25 and costs. (F. & D. No. 10776. I. S. No. 5916-r.)

On February 10, 1920, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Chaney A. Jones, P. E. Prouse, George W. Hoffman, Jacob Clady, and Ralph W. Harris, trading as the American Remedy Co., Tiffin, Ohio, alleging shipment by said defendants, on or about December 13, 1917, in violation of the Food and Drugs Act, as amended, from the State of Ohio into the State of Kansas, of a quantity of American hog remedy which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of iron sulphate, magnesium sulphate, salt, charcoal, nux vomica, and ground vegetable material.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the packages containing the said article, falsely and fraudulently represented it to be effective as a preventive and as a treatment, remedy, and cure for hog cholera, swine plagues, and inflammatory and all contagious diseases peculiar to swine, when, in truth and in fact, it was not.

On March 26, 1920, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10119. Misbranding of apple butter. U. S. * * * v. Emma E. Fishback (The Pure Food Mfg. Co.). Plea of guilty. Fine, \$10. (F. & D. No. 11955. I. S. No. 2706-r.)

On December 16, 1920, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Emma E. Fishback, trading as the Pure Food Mfg. Co., Denver, Colo., alleging that the said defendant had guaranteed as complying with the Food and Drugs Act a quantity of apple butter which was misbranded within the meaning of the said act, as amended, and that on or about January 14, 1919, the said article was shipped from the State of Colorado into the State of New Mexico, in violation of the said act. The article was labeled; (Cans) "Delicious Brand Fancy Apple Butter Packed by The Pure Food Manufacturing Co., Denver, Colo. Net Contents 12 Oz."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was an apple product from which a portion of the water-soluble constituents of the fruit had been extracted.

Misbranding of the article was alleged in the information for the reason that the statements appearing on the label, to wit, "Fancy Apple Butter" and "Net Contents 12 Oz.," were false and misleading in that they represented that the said article was apple butter and that each of the said cans contained not less than 12 ounces thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article was apple butter and that each of the said cans contained not less than 12 ounces thereof, whereas, in fact and in truth, the said article was not apple butter but was a product made from dried apple skins, cores, and pomace, and each of the said cans did not contain 12 ounces thereof but did contain a less quantity. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly or conspicuously marked on the outside of the package, in terms of weight, measure, or numerical count.

On November 10, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10120. Misbranding of Hull's Superlative compound and Hull's Superlative Liniment. U. S. * * * v. The A. J. Hull Medicine Co., a Corporation. Pleas of nolo contendere. Fines, \$40 and costs. (F. & D. Nos. 8881, 9350. I. S. Nos. 9203-p, 8843-p.)

On July 30, 1918, and January 16, 1919, respectively, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against the A. J. Hull Medicine Co., Findlay, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about July 5 and October 23, 1917, respectively, from the State of Ohio into the State of Indiana, of quantities of Hull's Superlative compound and Hull's Superlative liniment, respectively, which were misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Superlative compound consisted essentially of extracts of plant drugs, including cinchona, a volatile oil, alcohol, and water; and that the Superlative liniment consisted of volatile oils, including cedar, thyme, and probably wormwood oils, camphor, and alcohol.

Misbranding of the articles was alleged in the informations for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles and cartons containing the said articles and in the circulars accompanying the same, falsely and fraudulently represented that the Superlative compound was effective as a remedy and cure for liver and kidney diseases, sick and nervous headache, dyspepsia, nervous prostration, epileptic fits, paralysis, scrofula, impure blood, consumption and bronchial troubles in first stages, all nervous diseases, chills and malarial fever, all diseases arising from impure blood, dizziness, dropsy, diabetes, Bright's disease, catarrh, rheumatism, painful menstruation, irregularity, bad results from change of life, weak kidneys in children, la grippe, nervous trouble, fevers, all kinds of paralysis, and infantile paralysis, as a cure for stomach troubles, and as a treatment, remedy, and cure for nervous prostration, paralysis, epileptic fits, St. Vitus dance, diabetes, and liver, kidney, and stomach troubles; and that the Superlative liniment was effective as a treatment, remedy, and cure for congestion of the lungs, pleurisy, rheumatism, neuralgia, sore throat, inflammation of the bowels and kidneys, gas on the stomach, pimples and blackheads, pains in the head, burns, bunions, eczema, and swollen glands, when, in truth and in fact, the said articles contained no ingredients or medicinal agents capable of producing the effects claimed. Misbranding was alleged for the further reason that the statements, to wit, "Contains 15% Absolute Alcohol by Volume" and "Contains 15% Grain Alcohol by Volume," borne on the carton and bottle label, respectively, with respect to the Superlative compound, and the statement, to wit, "Contains 70 per cent alcohol by volume," borne on the carton, with respect to the Superlative liniment, were false and misleading in that they represented that the said articles contained 15 per cent or 70 per cent of alcohol, as the case might be, whereas, in fact and in truth, the said articles did not contain 15 per cent or 70 per cent of alcohol, as the case might be, but did contain greater amounts, to wit, 26 per cent and 82.88 per cent of alcohol, respectively. Misbranding was alleged for the further reason that the articles contained alcohol and the labels failed to bear statements of the quantity or proportion of alcohol contained therein.

On December 7, 1920, pleas of nolo contendere to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate of \$40, together with the costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10121. Misbranding of Leonard ear oil. U. S. * * * v. 12 Dozen Cartons and 30 Cartons * * * of Leonard Ear Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 11283, 11319. I. S. Nos. 2782-r, 2784-r. S. Nos. W-494, W-504.)

On September 23 and 25, 1919, respectively, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 12 dozen cartons and 30 cartons of Leonard ear oil, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by A. O. Leonard, New York, N. Y., August 21 and 27, 1919, respectively, and transported from the State of New York into the State of Oregon, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) " * * * A Glandular * * * Oil Recommended For Relief Of Deafness, Head Noises, Discharging, Itching, Scaly Ears and Ear Ache. * * * Deafness, Head Noises and Ear Troubles"; (bottle) "Leonard Ear Oil Recommended for Relief of Deafness, Head Noises, Dry, Itching, Aching and Discharging Ears"; (circular) " * * * For Relief of Catarrhal Deafness and Head Noises And Other Kinds of Deafness and Ear Troubles * * * To relieve deafness you must be very persistent and faithful in the use of the Ear Oil. Leonard Ear Oil is not of the 'Shot Gun' variety. I do not claim that it will accomplish the desired results with one or two applications or that even one bottle will be sufficient. Deafness is one of the most stubborn afflictions to overcome. Leonard Ear Oil is an article of sterling merit, and if persistently used it will seldom fail to give relief. Keep up the use of the Oil if you expect relief"; (circular containing testimonials) "Leonard Ear Oil Proof Of Success A Glandular * * * Oil for Relief of Deafness, Head Noises, and for Relief of Discharging, Itching, Scaly Ears, * * * and Ear Ache * * * has relieved the Deafness and Head Noises of more people than any known remedy. Its success has been phenomenal. * * * By 'Rubbing It In' and massaging Leonard Ear Oil as directed and inserting it in the nostrils, the ingredients contained in the Oil are carried to the diseased Tubes and Air Passages, the object of which is to soften and loosen the mucus. When this is accomplished, the result is Improved Hearing and Relief from Head Noises. * * * Remember, Deafness Is Progressive, And Unless Something Is Done To Check It Your Affliction Is Bound To Become Worse. In the majority of cases Leonard Ear Oil will give relief. * * * I most sincerely recommend its use for anybody suffering from ear trouble * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of mineral oil, a fatty oil, eucalyptol, camphor, and ammonia.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing upon the said cartons, bottle labels, and circulars, regarding the curative and therapeutic effects of the said article and the ingredients and substances contained therein, were false and fraudulent in that the article contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On November 23, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10122. Adulteration and misbranding of canned kidney beans. U. S. * * * v. 14 Cases * * * of Red Kidney Beans, et al. Decrees ordering release of product under bond. (F. & D. Nos. 12158, 12159, 12160, 12161, 12162, 12221, 12222, 12237, 12263, 12507, 12165, 12166, 12167. I. S. Nos. 8560-r, 8561-r, 8562-r, 8564-r, 8566-r, 8567-r, 8568-r, 8570-r, 8571-r, 8579-r, 8580-r, 8581-r, 8582-r, 8583-r. S. Nos. C-1723, C-1725, C-1728, C-1730, C-1731, C-1734, C-1737, C-1740, C-1741, C-1812, C-1813, C-1815, C-1816, C-1825.)

On or about February 20, 21, 25, 26, 27, and 28, and March 4, 5, 6, and 16, 1920, respectively, the United States attorney for the Southern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure

and condemnation of approximately 2,515 cases, each containing two dozen cans, of alleged kidney beans, remaining in the original packages at Springfield, Clinton, Decatur, Beardstown, Peoria, Quincy, Rock Island, and Bloomington, Ill., respectively, alleging that the article had been shipped in part by the Geo. Van Camp & Sons Co., Westfield, Ind., and in part by the Central States Canning Co., Indianapolis, Ind., between the dates July 24, 1919, and February 3, 1920, and transported from the State of Indiana into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part, (case) " * * * Kidney Beans Unlabeled." The remainder of the article bore various labels, in part, respectively: (Cans) "Jolly Brand Red Kidney Beans"; "Central States Brand Red Kidney Beans"; "George Van Camp's Red Kidney Beans"; "Golden Rule Brand Red Kidney Beans"; "Rock Island Brand Red Kidney Beans"; "Bobolink Brand Red Kidney Beans."

Adulteration of the article was alleged in the libels for the reason that long cranberry beans had been mixed and packed with, and substituted wholly or in part, for the said article.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article. Misbranding was alleged with respect to all the product with the exception of 900 cases at Springfield for the further reason that the statement "Red Kidney Beans" was false and misleading and deceived and misled the purchaser when applied to long cranberry beans.

On August 5 and September 12, 1921, respectively, the George Van Camp & Sons Co., Westfield, Ind., having filed its answer and claim for a portion of the product, judgments were entered finding the said portion liable to condemnation and forfeiture, and it was ordered by the court that it be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$4,500, in conformity with section 10 of the act, conditioned in part that it be relabeled as "Naga Uzura Kidney Beans." On December 15, 1921, the Central States Canning Co., Indianapolis, Ind., claimant for the remainder of the product, having admitted the allegations of the libels, having consented to the entry of decrees, and having asserted that the product would be properly labeled as "Naga Uzura Beans," judgments were entered finding the said product to have been improperly and unlawfully labeled, and it was ordered by the court that it be delivered to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,300, in conformity with section 10 of the act, conditioned in part that the words "Red Kidney" be not used on the labels thereof.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10123. Adulteration and misbranding of canned red kidney beans. U. S. * * * v. 30 Cases * * * of Red Kidney Beans * * *. et al. Decrees declaring product liable to condemnation and forfeiture and ordering its release under bond. (F. & D. Nos. 12164, 12284, 12285. I. S. Nos. 8559-r, 9267-r, 9268-r. S. Nos. C-1726, C-1835, C-1836.)

On February 16 and March 10, 1920, respectively, the United States attorney for the Eastern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 111 cases of red kidney beans, consigned by the George Van Camp & Sons Co., Westfield, Ind., remaining unsold in the original unbroken packages at Champaign and Centralia, Ill., respectively, alleging that the article had been shipped from Westfield, Ind., on or about September 5 and October 17 and 28, 1919, respectively, and transported from the State of Indiana into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Lady Ann Brand Red Kidney Beans" or "Geo. Van Camp's Special Red Kidney Beans."

Adulteration of the article was alleged in the libels for the reason that long cranberry beans had been mixed and packed with, and substituted wholly or in part for, red kidney beans.

Misbranding was alleged in substance for the reason that the statement on the cases and cans containing a portion of the article, to wit, "Red Kidney Beans," and the statement on the cases containing the remainder thereof, to wit, "Special [Red] Kidney Beans," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that

the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On August 20 and 30, 1921, respectively, the George Van Camp & Sons Co., Westfield, Ind., having filed its claim for the property, judgments were entered finding the product to be misbranded and liable to condemnation and forfeiture, and it was ordered by the court that the said product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be relabeled as "Naga Uzura Kidney Beans."

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10124. Adulteration and misbranding of gelatin. U. S. * * * v. W. B. Wood. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 12329. I. S. No. 5682-r.)

On December 29, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against W. B. Wood, St. Louis, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 15, 1918, from the State of Missouri into the State of Iowa, of a quantity of gelatin which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was glue and not gelatin and that it contained excessive amounts of copper and zinc.

Adulteration of the article was alleged in the information for the reason that it contained certain added poisonous and deleterious ingredients, to wit, copper and zinc, which might render the said article injurious to health. Adulteration was alleged for the further reason that a substance, to wit, glue, had been substituted in part for gelatin, which the article purported to be, and for the further reason that copper, zinc, and glue had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, gelatin.

On November 1, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10125. Misbranding of Hall's Texas Wonder. U. S. * * * v. 3 Dozen Bottles of Hall's Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12921. I. S. No. 9340-r. S. No. C-1987.)

On or about June 18, 1920, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 dozen bottles of Hall's Texas Wonder, at Helena, Ark., consigned on or about June 9, 1920, alleging that the article had been shipped by E. W. Hall, St. Louis, Mo., and transported from the State of Missouri into the State of Arkansas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, guaiac resin, extracts of rhubarb and colchicum, an oil similar to turpentine oil, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effects thereof, to wit, (carton) " * * * A Remedy for Kidney and Bladder Troubles, Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children," (circular) " * * * In cases of Gravel and Rheumatic troubles it should be taken every night in 25-drop doses until relieved," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 26, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10126. Adulteration and misbranding of wheat shorts. U. S. * * * v. Peerless Milling & Feed Co., a Corporation. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 13922. I. S. No. 9189-r.)

On January 17, 1921, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Peerless Milling & Feed Co., a corporation, Cairo, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 27, 1919, from the State of Illinois into the State of Alabama, of a quantity of wheat shorts which was adulterated and misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it was reground bran with screenings and with some flour added.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, ground bran and flour, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength and had been substituted in part for wheat shorts with ground screenings, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Wheat Shorts With Ground Screenings," borne on the tags attached to the sacks containing the said article, regarding it and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article was wheat shorts with ground screenings, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was wheat shorts with ground screenings, whereas, in truth and in fact, it was not wheat shorts with ground screenings, but was a mixture composed in part of ground bran and added flour. Misbranding was alleged for the further reason that the article was a mixture composed in part of ground bran and added flour, and was prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, wheat shorts with ground screenings.

On May 17, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10127. Adulteration of flavor of vanilla, flavor of vanilla and vanillin, and flavor of lemon. U. S. * * * v. Clay L. Schroeder (National Food Mfg. Co.). Plea of guilty. Fine, \$250 and costs. (F. & D. No. 14348. I. S. Nos. 8378-r, 8379-r, 8745-r, 8746-r, 8747-r, 8748-r, 8751-r, 8752-r, 9634-r.)

On April 29, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Clay L. Schroeder, trading as the National Food Mfg. Co., St. Louis, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, from the State of Missouri, on or about July 17 and 28, 1919, respectively, into the States of Indiana and Kansas, of quantities of flavor of vanilla; on or about July 23, 1919, into the State of Ohio, of quantities of flavor of vanilla and vanillin; and on or about July 17 and 28, 1919, respectively, into the States of Kansas and Indiana, of quantities of flavor of lemon, all of which were adulterated.

Analyses of samples of the flavor of vanilla and vanillin by the Bureau of Chemistry of this department showed that it contained coumarin and was short measure. Analyses of samples of the flavor of vanilla by said bureau showed that it was a dilute vanilla extract. Analyses of samples of the flavor of lemon by said bureau showed that a portion thereof was a dilute terpeneless lemon flavor and that the remainder thereof was a sugar sirup containing a vegetable gum and that it was materially deficient in lemon oil.

Adulteration of the flavor of vanilla was alleged in the information for the reason that a substance, to wit, a dilute extract of vanilla, had been substituted in whole or in part for pure flavor of vanilla, which the article purported to be. Adulteration of the flavor of vanilla and vanillin was alleged for the reason that a substance, to wit, a solution of vanillin and coumarin, which contained little, if any, vanilla extract, had been substituted in whole or in part for pure flavor of vanilla and vanillin, which the article purported to be. Adulteration of the flavor of lemon was alleged for the reason that a mixture,

to wit, a sugar sirup which contained a vegetable gum, and which was materially deficient in lemon oil, or a substance, to wit, dilute alcohol slightly flavored with citral, and which contained no lemon oil, as the case might be, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for pure flavor of lemon, which the said article purported to be.

On November 1, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$250 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10128. Misbranding of McMullin's tonic. U. S. * * * v. 22 Half-Pint Bottles, et al, of * * * McMullin's Tonic. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14872, 14873. I. S. Nos. 10810-t, 10814-t. S. Nos. W-947, W-948.)

On July 21, 1921, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 30 half-pint bottles and 3 pint bottles of McMullin's tonic, remaining unsold in the original packages, in part at Las Vegas and in part at Albuquerque, N. Mex., alleging that the article had been shipped by the Tilden McMullin Co., Sedalia, Mo., October 8, 1920, and April 9, 1921, respectively, and transported from the State of Missouri into the State of New Mexico, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of glycerin, alcohol, and water, with traces of iodid and phenol.

Misbranding of the article was alleged in substance in the libels for the reason that the bottles containing the said article bore the following statements regarding its therapeutic and curative effects, to wit, " * * * Tonic * * * Affords great relief in cases of Coughs, Colds, Consumption, Asthma, Catarrh and Bronchitis," which statements were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the results claimed.

On November 14, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10129. Misbranding of Hall's catarrh medicine. U. S. * * * v. 141 Bottles * * * of Hall's Catarrh Medicine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14029. Inv. No. 26813. S. No. C-2618.)

On or about December 15, 1920, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 141 bottles of Hall's catarrh medicine, remaining in the original packages at Decatur, Ill., alleging that the article had been shipped by F. J. Cheney & Co., Toledo, Ohio, on or about July 10, 1920, and transported from the State of Ohio into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "Hall's Catarrh Medicine * * *"; (bottle) " * * * valuable in the treatment of catarrh * * *"; (booklet) " * * * For Catarrh of the Nasal Cavity, Catarrh of the Ear, Throat, Stomach, Bowels or Bladder. * * * A Blood Purifier * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodid, bitter plant extractives, sugar, alcohol, and water, flavored with cardamom.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed.

On October 10, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10130. Adulteration of saccharin. U. S. * * * v. W. B. Wood Mfg. Co., a Corporation, and W. B. Wood. Dismissed as to W. B. Wood individually. Plea of nolo contendere as to corporation. Fine, \$250 and costs. (F. & D. No. 10763. I. S. Nos. 2439-r, 5126-r, 6262-r, 6264-r, 6270-r, 11355-r, 15354-r, 15620-r, 15621-r, 16066-r.)

On September 14, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the W. B. Wood Mfg. Co., a corporation, and W. B. Wood, St. Louis, Mo., alleging shipment by said defendants, in violation of the Food and Drugs Act, between the dates August 15 and August 24, 1918, from the State of Missouri into the States of Utah, Montana, Texas, Ohio, West Virginia, Virginia, and South Carolina, respectively, of quantities of saccharin which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained from 47 per cent to 60 per cent of sugar.

Adulteration of the article was alleged in the information for the reason that it was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity prescribed and laid down therefor in the said Pharmacopœia. Adulteration was alleged for the further reason that the strength and purity of the said article fell below the professed standard and quality under which it was sold.

On November 1, 1921, the action having been dismissed as to W. B. Wood individually, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$250 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10131. Adulteration and misbranding of canned red kidney beans. U. S. * * * v. 999 Cases * * * of Red Kidney Beans * * *. Judgment by consent ordering release of product under bond. (F. & D. No. 12279. I. S. No. 9019-r. S. No. C-1821.)

On March 8, 1920, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 999 cases of alleged red kidney beans, consigned by the Central States Canning Co., Indianapolis, Ind., remaining unsold in the original unbroken packages at East St. Louis, Ill., alleging that the article had been shipped from Indianapolis, Ind., on or about February 2, 1920, and transported from the State of Indiana into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Central States Brand Red Kidney Beans * * * Packed by the Central States Canning Co., Indianapolis, Ind."

Adulteration of the article was alleged in the libel for the reason that long cranberry beans had been mixed and packed with, and substituted wholly or in part for, red kidney beans.

Misbranding was alleged in substance for the reason that the statement on the cases and cans containing the article, to wit, "Red Kidney Beans," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article.

On August 30, 1921, the Central States Canning Co., Indianapolis, Ind., having admitted the allegations of the libel, having consented to a decree, and having agreed to eliminate the words "Red Kidney" and to substitute therefor the label "Naga Uzura Beans," judgment was entered finding the product to be unlawfully and improperly labeled, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, in conformity with section 10 of the act, conditioned in part that the words "Red Kidney" be not used in the labeling thereof.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10132. Adulteration of flavor of lemon, vanilla and vanillin, extract of vanilla, extract of lemon, flavor of vanilla, and peppermint, almond, and orange flavors. U. S. * * * v. Clay L. Schroeder (National Food Mfg. Co.). Plea of guilty. Fine, \$300 and costs. (F. & D. No. 13079. I. S. Nos. 8449-r, 8450-r, 8777-r, 8778-r, 8781-r, 8782-r, 8783-r, 8784-r, 8785-r, 8789-r, 8790-r, 8792-r.)

On April 5, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Clay L.

Schroeder, trading as the National Food Mfg. Co., St. Louis, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, from the State of Missouri into the State of Illinois, on or about September 6, 1919, of quantities of flavor of lemon, extract of lemon, vanilla and vanillin, extract of vanilla, and peppermint, almond, and orange flavors, and on or about September 9, 1919, of quantities of flavor of lemon and flavor of vanilla, all of which were adulterated.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the flavor of lemon and lemon extract were dilute terpeneless flavors of lemon, containing no lemon oil and a very small amount of citral; that the vanilla and vanillin was an artificially colored solution of vanillin and coumarin; that the extract of vanilla and flavor of vanilla were dilute vanilla extracts; that the peppermint and almond flavors were mixtures of sugar and glycerin, flavored, respectively, with menthol and benzaldehyde; and that the orange flavor was a mixture of sugar and glycerin, flavored with oil of orange.

Adulteration of the flavor of lemon and lemon extract was alleged in the information for the reason that a substance, to wit, dilute alcohol slightly flavored with citral and which contained no lemon oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect their quality and strength and had been substituted in part for pure flavor of lemon or pure extract of lemon, which the articles purported to be. Adulteration of the vanilla and vanillin was alleged in substance for the reason that a substance, to wit, a solution of vanillin and coumarin artificially colored and containing little, if any, vanilla extract, had been substituted in whole or in part for pure vanilla and vanillin, which the article purported to be; and for the further reason that it was a product inferior to pure vanilla and vanillin, to wit, a mixture of vanillin and coumarin which contained little, if any, vanilla extract and which said mixture was colored with caramel so as to simulate the appearance of the article and in a manner whereby its inferiority to said article was concealed. Adulteration of the extract of vanilla and flavor of vanilla was alleged for the reason that a substance, to wit, a dilute vanilla extract, had been substituted in whole or in part for pure extract of vanilla or pure flavor of vanilla, which the articles purported to be. Adulteration of the almond was alleged for the reason that a dilute almond flavor had been substituted in whole or in part for pure almond, which the article purported to be. Adulteration of the peppermint was alleged for the reason that a product which contained no oil of peppermint had been substituted in whole or in part for pure peppermint, which the article purported to be. Adulteration of the orange was alleged for the reason that a mixture composed essentially of sugar sirup which contained glycerin and approximately 1.6 per cent of oil of orange and no alcohol had been substituted in whole or in part for pure orange, which the article purported to be.

On November 1, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$300 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10133. Misbranding of Cholerine. U. S. * * * v. Germa Mfg. Co., a Corporation. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 14048. I. S. No. 8227-r.)

On April 5, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Germa Mfg. Co., a corporation, St. Louis, Mo., alleging shipment by said company, on or about September 20, 1919, in violation of the Food and Drugs Act, as amended, from the State of Missouri into the State of Iowa, of a quantity of Cholerine which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of about 97 per cent of water, with small amounts of iron sulphate, magnesium sulphate, sodium sulphate, and iron oxide, and traces of capsicum and sassafras oil.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the cartons and bottles containing the said article, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for worms and cholera in hogs and for roup, cholera, limberneck, and white diarrhea in poultry, when, in truth and in fact, it was not.

On November 2, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10134. Misbranding of alimentary paste. U. S. * * * v. Joseph Sciales and Marion Costa (Sciales Grocery Co.). Dismissed as to Marion Costa. Plea of guilty by Joseph Sciales. Fine, \$25 and costs. (F. & D. No. 14520. I. S. No. 3808-t.)

On May 26, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph Sciales and Marion Costa, copartners, trading as the Sciales Grocery Co., St. Louis, Mo., alleging shipment by said defendants, on or about May 21, 1920, in violation of the Food and Drugs Act, as amended, from the State of Missouri into the State of Illinois, of a quantity of alimentary paste which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 22, 1921, the action against Marion Costa having been dismissed, Joseph Sciales entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10135. Adulteration of coal-tar color. U. S. * * * v. 12 Pounds of Red Coal-Tar Color * * *, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14626, 14797. I. S. Nos. 3683-t, 4184-t, 4185-t, 4186-t. S. Nos. C-2864, C-2970.)

On May 1 and 11, 1921, respectively, the United States attorney for the Eastern District of Wisconsin, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 27 one-pound cans of red, 3 one-pound cans of yellow, and 1 one-pound can of purple coal-tar color, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the articles had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., in part on or about August 9, 1920, and in part on or about February 25, 1921, and transported from the State of Missouri into the State of Wisconsin, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the articles was alleged in the libels for the reason that sodium chlorid and sodium sulphate had been mixed and packed with, and substituted wholly or in part for, the said articles. Adulteration was alleged with respect to the red and purple colors for the further reason that they contained an added poisonous or deleterious ingredient, to wit, arsenic, which might render them injurious to health.

On July 20, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10136. Adulteration and misbranding of condensed milk. U. S. * * * v. 56 Cases of Sweetened Condensed Milk. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15221. I. S. No. 6250-t. S. No. E-3461.)

On July 21, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 56 cases of sweetened condensed milk, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Jersey City, N. J., on or about June 28, 1921, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Janice Brand Sweetened Condensed Milk."

Adulteration of the article was alleged in substance in the libel for the reason that it was a product deficient in fat, which had been mixed and packed with and substituted wholly or in part for the article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butter fat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the package or label bore statements regarding the article or the ingredients and substances contained therein, to wit, " * * * Sweetened Condensed Milk * * * Net Weight 14 Ounces * * *," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 21, 1921, Young and Wile, Ltd., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that the said product be disposed of only upon full representations that it was deficient in butter fat and slightly short weight.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10137. Adulteration and misbranding of olive oil. U. S. * * * v. 23 Half-Gallon Cans of Olive Oil * * *, et al. Default decrees of condemnation, forfeiture, and sale. A portion of the property destroyed by mistake. (F. & D. Nos. 15304, 15305. I. S. Nos. 8494-t, 8495-t, 8496-t. S. Nos. E-3526, E-3527.)

On August 4, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 23 half-gallon cans, 31 quart cans, and 10 gallon cans of olive oil, remaining in the original unbroken packages at Baltimore, Md., consigned June 11 and 17, 1921, respectively, alleging that the article had been shipped by Scaduto & Co., New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Pure Olive Oil Sanzio Brand * * *."

Adulteration of a portion of the article was alleged in the libels for the reason that cottonseed oil had been mixed and packed with, and substituted wholly or in part for, the said article, and for the further reason that it was mixed in a manner whereby its damage or inferiority was concealed.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding was alleged in substance for the further reason that certain statements, designs, and devices regarding the article and the ingredients and substances contained therein, appearing in the labeling of the cans containing a portion of the said article, to wit, "This Olive Oil Is Guaranteed To Be Absolutely Pure Under Chemical Analysis And Excellent For Medical And Table Use * * * Half Gallon," together with similar statements in Italian and a design showing a foreign scene, and the statements "One Quart" or "One Gallon," as the case might be, appearing on the labeling of the cans containing the remainder of the article, were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to a portion of the article for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that it purported to be a foreign product when not so.

On October 1, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be relabeled so as to comply with the provisions of the said act and that it be sold by the United States marshal. Through an error a portion of the product was destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10138. Adulteration of canned cherries. U. S. * * * v. 87 Cases of Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15354. I. S. No. 3792-t. S. No. C-3196.)

On August 30, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 87 cases of cherries, consigned by the Graves Canning Co.,

Sheridan, Oreg., remaining unsold in the original unbroken cans at St. Louis, Mo., alleging that the article had been shipped from Sheridan, Oreg., August 19, 1920, and transported from the State of Oregon into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Graves Extra Standard Water Royal Anne Cherries * * * Packed by Graves Canning Company, Sheridan, Oregon."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On November 5, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10139. Adulteration of bulk oats. U. S. * * * v. 63,600 Pounds * * * of Bulk Oats, et al. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15486, 15507, 15509, 15510. I. S. Nos. 841-t, 876-t, 877-t, 879-t, 880-t, 881-t, 882-t, 883-t. S. Nos. C-3274, C-3283, C-3284, C-3285, C-3289, C-3290.)

On October 21, 26, 28, and 29, 1921, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of approximately 520,500 pounds of bulk oats remaining unsold at Chicago, Ill., alleging that the article had been shipped by B. B. Anderson & Sons, Estherville, Iowa, October 3, 13, 17, 18, and 20, 1921, respectively, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libels for the reason that dirt, chaff, weed seeds, and foreign grains had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and for the further reason that the said substances had been mixed with the article in a manner whereby damage and inferiority were concealed.

On October 27 and 29 and November 3 and 5, 1921, respectively, E. P. Bacon & Co., Chicago, Ill., claimant, having admitted the allegations of the libels and having consented to decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$4,000, in conformity with section 10 of the act, conditioned in part that the article be relabeled and sold as "Screenings and Oats," under the supervision of the United States marshal and a representative of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10140. Adulteration and misbranding of brown shorts. U. S. * * * v. 600 Sacks * * * of Brown Shorts. Judgment by consent ordering release of the product under bond. (F. & D. No. 12967. I. S. No. 122-r. S. No. E-2363.)

On June 26, 1920, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 600 sacks of brown shorts, remaining in the original unbroken packages at Dillon, S. C., consigned by the Gateway Milling Co., Kansas City, Mo., June 4, 1920, alleging that the article had been shipped from Kansas City, Mo., and transported from the State of Missouri into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Gateway Brown Shorts * * *."

It was alleged in the libel that the article was adulterated in that a mixture of wheat shorts and reground bran had been mixed and packed with, and substituted wholly or in part for, brown shorts.

Misbranding was alleged in substance for the reason that the statement "Brown Shorts, made from Wheat Shorts, Red Dog Flour, Wheat Bran and Screenings," was false and misleading and deceived and misled the purchaser, in that the said statement was applied to the article knowingly and in wanton disregard of its truth or falsity and with intent to deceive purchasers of the said product. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On October 13, 1920, the Gateway Milling Co., Inc., Kansas City, Mo., claimant, having admitted the allegations of the libel, judgment of the court was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be sold as reground bran.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10141. Misbranding of Madame Dean female pills, single and special strength. U. S. * * * v. One Dozen Packages of Madame Dean Female Pills Single [and Special]. Default decree ordering destruction of the product. (F. & D. No. 13483. I. S. Nos. 9136-t, 9137-t. S. No. E-2554.)

On or about September 13, 1920, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one dozen packages of Madame Dean female pills, single and special strength, remaining in the original unbroken packages at Miami, Fla., consigned by Martin Rudy, Lancaster, Pa., alleging that the article had been shipped from Lancaster Pa., on or about June 3, 1920, and transported from the State of Pennsylvania into the State of Florida, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the special strength pills contained quinine, aloes, iron sulphate, senecio flowers and herb, ginger, and cornstarch; and that the single strength pills contained quinine, aloes, iron sulphate, hydrastis, ginger, and cornstarch.

Misbranding of the article was alleged in substance in the libel for the reason that the labeling thereof contained certain statements regarding the curative or therapeutic effects of the said article, as follows, (box label and wrapper) " * * * Female Pills * * * give relief in Female Disorders of the menstrual functions. * * * for Painful, Irregular and Scanty Menstruation," (booklet) " * * * irregular, prolonged, or suppressed menstruation. * * * Female Pills afford relief for these ailments. * * * a remedy intended solely for the relief of Amenorrhoea, Dysmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system, * * * especially valuable in the functional changes * * * of the menopause or change of life. * * * act on the circulatory system of the uterus, thereby relieving painful, irregular and scanty menstruation, and assist in re-establishing or restoring, the menstrual or monthly periods. * * * strengthen and build up the uterine function," (circular) " * * * a great relief against those general complaints the Female Sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel, * * * for irregular, * * * scanty or suppressed menstruations, * * * should be taken * * * to assist nature with disorders * * * during the change of life period. * * * Continue with the treatment until they give relief. * * * great relief from Pains or Headache; * * * for suppressed menstruation, * * * continue their use until relieved * * * take * * * until the menstrual flow commences again," which were false and fraudulent in that the said article would not produce the curative or therapeutic effects which purchasers were led to expect from the said statements and which were applied to the said article with a knowledge of their falsity for the purpose of defrauding purchasers thereof.

On or about January 23, 1922, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10142. Misbranding of Dr. Ward's Celebrated liniment, Ward's lung balsam, Ward's kidney and bladder remedy, Ward's sarsaparilla compound, Ward's Chic Cura, Ward's remedy for heaves, and Ward's kidney and backache pills. U. S. * * * v. Dr. Ward's Medical Co., a Corporation. Plea of guilty. Fine, \$35. (F. & D. No. 13891. I. S. Nos. 7834-r, 7835-r, 7836-r, 7837-r, 7838-r, 7839-r, 7840-r.)

On May 17, 1921, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Dr. Ward's Medical Co., a corporation, Winona, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, from the State of Minnesota

into the State of Wisconsin, on or about January 27, 1919, of quantities of Ward's remedy for heaves and Ward's kidney and backache pills, respectively, on or about April 30, 1919, of a quantity of Ward's kidney and bladder remedy, and on or about May 5, 1919, of quantities of Ward's Celebrated liniment, Ward's lung balsam, Ward's sarsaparilla compound, and Ward's Chic Cura, respectively, all of which were misbranded.

Analysis of a sample of each of the articles by the Bureau of Chemistry of this department showed that the liniment consisted of alcohol, soap, sassafras oil, capsicum extract, and water, colored with cudbear; that the lung balsam consisted of chloroform, menthol, tar, ipecac extract, ammonium chlorid, sugar, alcohol, and water, colored with caramel; that the kidney and bladder remedy consisted of extracts of uva ursi and cascara sagrada, sodium phosphate, sodium acetate, alcohol, and water, sweetened with saccharin and flavored with lemon oil; that the sarsaparilla compound consisted of sarsaparilla extract, anise oil, sassafras oil, a trace of potassium iodid, alcohol, and water, colored with caramel; that the Chic Cura consisted of gentian, sulphur, capsicum resin, sand, and a large amount of broken clamshells; that the remedy for heaves consisted of tartar emetic, calcium carbonate, and powdered bloodroot; and that the kidney and backache pills consisted of methylene blue, uva ursi, digitalis, aloes, a trace of buchu, talc, resin, and an aromatic oil.

Misbranding of the articles was alleged in substance in the information for the reason that certain statements, designs, and devices appearing on the bottles, cartons, or packages, as the case might be, containing the respective articles, and in the circulars accompanying certain of the said articles, regarding the curative and therapeutic effects thereof, falsely and fraudulently represented that the liniment was effective as a treatment, remedy, and cure for cholera, flux, cholera morbus, diarrhea, dysentery, colic, cramps, chills and ague, sore throat, colds, la grippe, mumps, diphtheria, chronic diarrhea, chronic inflammation of the stomach, coughs, earache, piles, and spinal affections, for sweeney, colic, heaves, and scour in horses, scour in cattle, and hog cholera, and as an antidote for all troubles from drinking bad water; that the lung balsam was effective as a treatment, remedy, and cure for asthma, bronchitis, pleurisy, pains and oppression of the chest or lungs, sore throat, catarrh, pneumonia, congestion, inflammation, consumption, difficult breathing, all affections of pulmonary organs, la grippe, croup, quinsy, and tonsillitis; that the kidney and bladder remedy was effective as a treatment, remedy, and cure for acute and chronic kidney, bladder, and urinary disorders, Bright's disease, dropsy, all uric acid troubles, gravel, retention of urine, pain in urinating, frequent calls, brick dust in urine, thick, sluggish, or scanty urine, ulceration, inflammation and irritation or catarrh of the bladder, blood or mucus in urine, pain in urethra, and enlargement of the prostate gland; that the sarsaparilla compound was effective as a treatment, remedy, and cure for chronic affections of the skin, scrofula, eruptive and skin diseases, such as St. Anthony's fire, erysipelas, pimples, blotches, boils, tumors, tetter or salt rheum, scald head, ulcers and sores, chronic rheumatism, syphilitic and mercurial diseases, and the various diseases arising from impurities of the blood; that the Chic Cura was effective as a treatment, remedy, and cure for chicken cholera, gapes, and roup and as a treatment for all the common diseases of fowls; that the remedy for heaves was effective as a treatment, remedy, and cure for distemper, heaves, indigestion, coughs, epizootic, and skin troubles; and that the kidney and backache pills were effective as a treatment, remedy, and cure for backache, bladder-irritation, congestion of the kidneys, diabetes, gravel, lumbago, nonretention of urine, scanty urine, scalding urine, and all urinary troubles; when, in fact and in truth, the said articles contained no ingredients or combination of ingredients capable of producing the effects claimed.

On November 15, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$35.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10143. Adulteration and misbranding of egg noodles. U. S. * * * v. The American Beauty Macaroni Co., a Corporation. Plea of guilty. Fine, \$5 and costs. (F. & D. No. 14365. I. S. No. 2831-r.)

On May 31, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Beauty Macaroni Co., a corporation, Denver, Colo., alleging shipment by said company, on or about October 7, 1919, in violation of the Food and Drugs Act,

as amended, from the State of Colorado into the State of New Mexico, of a quantity of egg noodles which were adulterated and misbranded. The article was labeled in part: "American Beauty Brand High Grade Egg Noodles Manufactured And Guaranteed By The American Beauty Macaroni Co. * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was an alimentary paste containing about 3 per cent of dried egg yolk and that it was short weight.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, an alimentary paste containing little or an insufficient amount of whole eggs, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength; for the further reason that a substance, to wit, dried egg yolks, had been substituted wholly or in part for whole egg noodles, which the article purported to be; and for the further reason that a valuable constituent of the said article, namely, egg albumen, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the statements, to wit, "High Grade Egg Noodles," and "Net Weight 4 Oz.," borne on the cartons containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article consisted wholly of egg noodles and that the said cartons contained four ounces net thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of egg noodles and that the said cartons contained four ounces net thereof, whereas, in truth and in fact, the article did not consist wholly of egg noodles but did consist wholly or in part of an alimentary paste which contained little or no egg, and the said cartons did not contain four ounces net of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 5, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10144. Adulteration of powdered capsicum. U. S. * * * v. Allaire, Woodward & Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 14524. I. S. No. 13320-r.)

On May 27, 1921, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Allaire, Woodward & Co., a corporation, Peoria, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 19, 1919, from the State of Illinois into the State of New York, of a quantity of powdered capsicum which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained not more than 10 per cent of genuine capsicum, the fruit of *Capsicum frutescens*. The remaining 90 per cent consisted of the fruits of *Capsicum annuum*, a species less pungent than *Capsicum frutescens*.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of investigation, in that the said article was derived in large part from a product other than the dried ripe fruits of *Capsicum frutescens*, whereas the said Pharmacopœia provides that capsicum shall be wholly derived from the dried ripe fruits of *Capsicum frutescens*, and the standard of strength, quality, and purity of the said article was not declared on the container thereof.

On November 19, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10145. Adulteration and misbranding of vinegar. U. S. * * * v. 30 Barrels * * *, 9 Barrels * * *, and 15 Cases * * * of Vinegar * * *. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14620. I. S. Nos. 3220-t, 3221-t. S. No. C-2848.)

On March 14, 1921, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemna-

tion of 30 barrels, each containing 5 dozen bottles, 9 barrels, each containing 8 dozen bottles, and 15 cases, each containing 2 dozen bottles, of vinegar, consigned by the Southern Mfg. Co., St. Louis, Mo., remaining unsold in the original unbroken packages at Cairo, Ill., alleging that the article had been shipped on or about August 28, 1920, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Stag Brand Corn Sugar Vinegar Reduced to 4% Acidity * * *."

Adulteration of the article was alleged in the libel for the reason that acetic acid had been mixed and packed with, and substituted in part for, the said article.

Misbranding was alleged in substance for the reason that the statement on the label of the bottles containing the article, to wit, "Corn Sugar Vinegar," was false and misleading and deceived and misled the purchaser; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article.

On April 20, 1921, Marquard F. Braun, St. Louis, Mo., claimant, having requested permission to rebrand the article so as to show the contents of the said bottles and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10146. Adulteration and misbranding of thread coconut and shred coconut. U. S. * * * v. 5 Barrels of Thread Coconut and 2 Barrels of Shred Coconut. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 14684, 14821. I. S. Nos. 10289-t, 10779-t. S. Nos. W-892, W-909.)

On or about March 28 and April 22, 1921, respectively, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 5 barrels of thread coconut and 2 barrels of shred coconut, consigned by the Hills Bros. Co., New York, N. Y., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the articles had been shipped from New York, N. Y., on or about February 2, 1921, and transported from the State of New York into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the articles was alleged in the libels for the reason that another substance, to wit, sugar, had been mixed and packed therewith so as to reduce, lower, and injuriously affect their quality and strength and had been substituted in part for coconut.

Misbranding was alleged in substance for the reason that the articles were labeled "Thread" and "Shred," respectively, which labels implied that the said articles were thread coconut or shred coconut, as the case might be, and were false and misleading when applied to products consisting in part of sugar. Misbranding was alleged for the further reason that the articles were imitations of, and were offered for sale under the distinctive names of, other articles, to wit, "Thread Cocoanut" or "Shred Cocoanut."

On October 31, 1921, J. K. Montrose & Sons, Denver, Colo., claimants, having admitted the allegations of the libels and having consented to decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$600, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10147. Misbranding of Castalian water. U. S. * * * v. 7 $\frac{1}{2}$ Dozen * * * Bottles of Castalina [Castalian] Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15243. I. S. No. 165-t. S. No. C-3133.)

On July 23, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 $\frac{1}{2}$ dozen bottles of Castalian water, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by Ralph Smith, Santa Cruz, Calif., on or about September 11, 1920,

and transported from the State of California into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) " * * * Rheumatism, Dyspepsia, Skin Diseases, Stomach Troubles and to Purify the Blood, * * * Kidney Complaints, Gravel and all other Urinary Troubles, * * * Sore Throat, * * *"; (wrapper) " * * * Kidney and Stomach Disorders * * * Catarrh and Impure Blood * * *"; (circular) " * * * Bright's Disease and other Kidney and Urinary troubles. Rheumatism, Dyspepsia, Indigestion, Biliousness, and other stomach disorders, Catarrh, Scrofula, Quinsy, Tonsillitis, Diphtheria, Sore Throat from colds, Hay Fever, Chills and Fever, Varicose Veins, Diarrhœa, Inflammation, internal or external; Ulcerations, Leucorrhœa, Boils, Eczema, Salt Rheum and other skin diseases, Blood Poisoning, Poison Oak or Ivy, Sprains, Bruises, Burns and Cuts. Inflammatory Rheumatism, Lumbago, * * * Ulcers, Piles, Fever Sores, Abscesses, * * * Pleurisy, Erysipelas, * * * Gout, La Grippe, * * * Granulated Eyelids, * * * Cold in the Head. * * * Sick Headache, * * * Torpid Liver. * * * Sea Sickness, Cramps of the Stomach * * * Retention of Urine, Diabetes, Private Diseases, * * * Bronchitis, * * * Scalds, * * * Sun Burn. * * * Cramps, Colic, Rash or Hives. * * * Catarrh of the Head, Stomach or Bladder, * * * Inflammation of the Womb * * * Suppressed, Profuse or Painful Menstruations * * *"; (testimonials) " * * * Tumor in my kidneys * * * goitre * * * tropical dysentery * * * stomach and kindred troubles * * * mangled sprain of the ankle, * * * inflammation of the prostate gland. * * * chills and fever and malaria * * * cutaneous affection * * * catarrh * * * sight * * * impaired, * * * taste or smell, the membrane and bone between my nostrils eaten out, and my lungs and throat in bad shape. * * * Locomotor Ataxia * * * bad sores * * * threatened blood poisoning * * * prevented * * * varicose ulcer * * * tumor * * * urinary, bladder and kidney trouble * * * impoverished blood * * * 'Impetigo Abscesses,' * * * ulcers in my stomach * * * blood cleansers * * * all forms of stomach and liver ailments * * * kidney troubles * * * dysmenorrhœa * * * sore throat that caused deafness. * * * female and other troubles * * * sciatic rheumatism * * * pimples on face * * * lead poisoning and rheumatism * * * asthma * * * malaria poison * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a highly mineralized water and that the dissolved mineral matter consisted chiefly of sodium salts.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination thereof capable of producing the effects claimed.

On October 18, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10148. Adulteration of dried lima beans. U. S. * * * v. 50 Bags of Dried Lima Beans * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15536. Inv. No. 35757. S. No. E-3626.)

On November 4, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 bags of dried lima beans, remaining in the original unbroken packages at Baltimore, Md., consigned on or about October 1, 1921, alleging that the article had been shipped by Morris Gross, Norfolk, Va., and transported from the State of Virginia into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On December 8, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10149. Adulteration of salted anchovies. U. S. * * * v. 23 Cases
* * * of Salted Anchovies * * *, et al. Default decree of
condemnation, forfeiture, and destruction. (F. & D. No. 15615.
I. S. No. 11058-t. S. No. W-1031.)**

On November 14, 1921, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 46 cases of salted anchovies, remaining in the original unbroken packages at San Francisco, Calif., consigned by Henry Sanchez & Co., New York, N. Y., alleging that the article had been shipped from New York, N. Y., June 27, 1921, and transported from the State of New York into the State of California, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "* * * Salted Anchovies."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On December 1, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10150. Misbranding of Capitol hog remedy. U. S. * * * v. 11 Pack-
ages of * * * Capitol Hog Remedy. Default decree declar-
ing product misbranded and ordering its destruction. (F. & D.
No. 12405. I. S. No. 16716-r. S. No. E-2100.)**

On May 10, 1920, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 11 packages of Capitol hog remedy, remaining unsold in the original unbroken packages at Harpers Ferry, W. Va., alleging that the article had been shipped by the Capitol Food Co., Tiffin, Ohio, on or about November 21, 1919, and transported from the State of Ohio into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of charcoal, powdered vegetable material, including nux vomica and wormseed, iron sulphate, magnesium sulphate, sodium carbonate, and sodium chlorid.

It was alleged in substance in the libel that the article was misbranded for the reason that it was labeled as follows, (carton) "* * * Capitol Hog Remedy * * * A Superior * * * Remedy For Swine. Recommended for Hog Cholera, Scrofula, Inflammatory and all contagious Diseases peculiar to swine; purifies the blood; * * * an invaluable remedy for Hog Cholera, Scrofula, Inflammatory conditions and all contagious diseases peculiar to Swine. * * * Cures Indigestion, * * * keeps the hogs healthy * * * Capitol Hog Remedy insures health * * * A Wonder In The Development Of Swine Recommended to cure and prevent diseases, produces an extraordinary rapid growth * * * Recommended to cure and prevent Hog Cholera and all contagious diseases peculiar to Swine; * * * restores Hogs to a good healthy condition. Have [Save] Your Hogs * * * Feed Capitol Hog Remedy * * * regularly for three months, thus insuring no loss whatever from Cholera or any other disease, * * * This will keep them free from disease * * * For Young Pigs * * * will insure a rapid growth and prevent all diseases. * * * For Hog Cholera—As soon as you notice that Hog Cholera has begun on your herd, * * * Give from two to three tablespoonfuls of Capitol Hog Remedy * * *," which statements were false and fraudulent in that the said article contained no ingredients or combination of ingredients capable of producing the effects claimed.

On October 1, 1920, no claimant having appeared for the property, judgment was entered declaring the product to be misbranded, and it was ordered by the court that the said product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

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United States Department of Agriculture,

BUREAU OF CHEMISTRY.

W. G. CAMPBELL, Acting Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS. SUPPLEMENT.

N. J. 10151-10200.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 4, 1922.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

10151. Misbranding of Dr. A. W. Chase's nerve pills. U. S. * * * v. 4 Dozen Packages of * * * Dr. A. W. Chase's Nerve Pills. Default decree declaring product misbranded and ordering its destruction. (F. & D. No. 13226. I. S. No. 8590-t. S. No. E-2487.)

On August 8, 1920, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 dozen packages of Dr. A. W. Chase's nerve pills, remaining unsold in the original unbroken packages at Wheeling, W. Va., alleging that the article had been shipped by the Dr. A. W. Chase Medicine Co., Buffalo, N. Y., on or about April 26, 1920, and transported from the State of New York into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained strychnine, arsenic, aloes, iron carbonate, and a manganese compound.

Misbranding of the article was alleged in substance in the libel for the reason that the label of the box containing the article and a circular accompanying the same bore the following statements regarding the curative and therapeutic effects thereof and the ingredients and substances of which it was composed, (label) "Used In The Treatment Of * * * Nervous Prostration * * * Nervous Headache Nervous Dyspepsia * * * Irregular Heart Action Dizziness & Fainting Sleeplessness * * *," (circular) " * * * Nerve Pills impart new life and strength to every organ of the body, create new brain and nerve tissue, and make it next to impossible for the following diseases and symptoms of diseases to set in: Nervous prostration, exhaustion, depression, * * * sleeplessness, * * * lack of energy, ambition, and nerve force, paralysis, and locomotor ataxia; * * * diseased blood, * * * female troubles, leucorrhea (whites), painful, profuse or suppressed menstruation, tardy development of girls, sexual debility, loss of vital forces, premature decay, heart affections, neuralgia, rheumatism, la grippe, and all diseases of

the brain and nerves. * * * On account of their extraordinary restorative influence and * * * action on the system, * * * Nerve Pills are especially suited to the needs of children. * * * weak and puny boys and girls become strong, healthy and robust. * * * nourish the blood and nerves * * * nourish the weakened and exhausted nervous system back to health and strength, * * * through the nerve fibres, * * * send new vitality through the whole human system. * * * nerves * * * must be completely restored by such nourishment as can best be supplied by * * *. Nerve Pills, the great restorative * * * loss of sensation in the hands, partial loss of memory * * * dizziness and uncertainty in walking. * * * should be treated * * * while there is hope of complete recovery. * * * Nerve Pills, * * * restore the wasted nerve force, * * * by strengthening the nerves give them full control of the female organs. * * * No preparation known * * * will more quickly create new, rich blood than * * * Nerve Pills. * * * contain the life-giving principles that entitle the blood to be called the 'vital fluid,' * * * make pale weak men and women strong and healthy. * * * give to the thin and emaciated a well rounded form which tells of a steady advance in health, * * *, which statements were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effect claimed.

On April 12, 1921, no claimant having appeared for the property, judgment of the court was entered declaring the product misbranded and ordering its destruction by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10152. Misbranding of Madame Dean female pills. U. S. * * * v. 11
Boxes of * * * Madame Dean Female Pills. Default decree
declaring product misbranded and ordering its destruction. (F. &
D. No. 13365. I. S. No. 8600-t. S. No. E-2522.)

On August 20, 1920, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 11 boxes of Madame Dean female pills, remaining unsold in the original unbroken packages at Parkersburg, W. Va., alleging that the article had been shipped by Martin Rudy, Lancaster, Pa., on or about June 5, 1920, and transported from the State of Pennsylvania into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained quinine, aloes, iron sulphate, hydrastis, ginger, and cornstarch.

Misbranding of the article was alleged in substance in the libel for the reason that the boxes containing the article and the circulars, booklets, and wrappers accompanying the same bore the following statements regarding the curative and therapeutic effect thereof, (box label and wrapper) " * * * Female Pills, * * * give relief in Female Disorders of the menstrual functions. * * * for Painful, Irregular and Scanty Menstruation," (booklet) " * * * irregular, prolonged, or suppressed menstruation. * * * Female Pills afford relief for these ailments. * * * a remedy intended solely for the relief of Amenorrhoea, Dysmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system, * * * especially valuable in the functional changes * * * of the menopause or change of life. * * * act on the circulatory system of the uterus, thereby relieving painful, irregular and scanty menstruation, and assist in re-establishing or restoring the menstrual or monthly periods. * * * strengthen and build up the uterine function * * *," (circular) " * * * a great relief against those general complaints the Female Sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel, * * * should be taken * * * to assist nature with * * * disorders * * * during the change of life * * * Continue with the treatment until they give relief * * * take * * * until the menstrual flow commences again," which statements were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effect claimed.

On April 12, 1921, no claimant having appeared for the property, judgment of the court was entered declaring the product to be misbranded and ordering its destruction by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10153. Misbranding of Hall's catarrh medicine. U. S. * * * v. One Gross Bottles * * * Hall's Catarrh Medicine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14068. Inv. No. 21078. S. No. E-2938.)

On or about December 16, 1920, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and subsequently, an amendment to the said libel, praying the seizure and condemnation of one gross bottles of Hall's catarrh medicine, remaining unsold in the original packages at Savannah, Ga., alleging that the article had been shipped by F. J. Cheney & Co., Toledo, Ohio, October 11, 1920, and transported from the State of Ohio into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodid, bitter plant extractives, sugar, alcohol, and water, flavored with cardamom.

The allegations in the libel, as amended, with reference to the false and fraudulent statements as to the curative and therapeutic effect of the said article, appearing in the labeling thereof, are substantially the same as those set forth in detail in Notice of Judgment No. 10065, to which reference is made.

On December 20, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10154. Adulteration of canned water loganberries. U. S. * * * v. 150 Cases of Water Loganberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14209. I. S. No. 3442-t. S. No. C-2697.)

On January 17, 1921, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 150 cases of water loganberries, remaining unsold in the original unbroken packages at Deadwood, S. D., alleging that the article had been shipped by Puyallup & Sumner Fruit Growers Canning Co., Puyallup, Wash., on or about October 22, 1920, and transported from the State of Washington into the State of South Dakota, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Famous Sumner Brand Water Loganberries * * * Grown and Packed By The Puyallup & Sumner Fruit Growers Ass'n. Canneries At Sumner And Puyallup, Washington."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 19, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10155. Misbranding of cocoa. U. S. * * * v. Lionel Edward Samuels (National Cocoa Mills). Pleas of guilty. Fines, \$40. (F. & D. Nos. 14327, 14334. I. S. Nos. 7686-r, 12836-r.)

On July 5, 1921, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against Lionel Edward Samuels, trading as the National Cocoa Mills, New York, N. Y., alleging shipment by said defendant, on or about September 19 and November 23, 1918, respectively, in violation of the Food and Drugs Act, as amended, from the State of New York into the States of Rhode Island and Michigan, of quantities of cocoa which was misbranded. The article was labeled in part: "My Own Pure Cocoa. * * * National Cocoa Mills, New York City * * *."

Misbranding of the article was alleged in the informations for the reason that the statement, to wit, "Net Weight $\frac{1}{2}$ Lb.," borne on the packages containing the article, regarding the article, was false and misleading in that it repre-

sented that each of the said packages contained by weight one-half pound net of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained one-half pound net of the said article, whereas, in truth and in fact, each of the said packages did not contain by weight one-half pound net of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 19, 1921, the defendant entered pleas of guilty to the informations, and the court imposed fines in the aggregate sum of \$40.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10156. Adulteration and misbranding of cocoa. U. S. * * * v. Lionel Edward Samuels (National Cocoa Mills). Pleas of guilty. Fines, \$140. (F. & D. Nos. 14328, 14329, 14330, 14331, 14332, 14335, 14336. I. S. Nos. 12840-r, 12841-r, 13007-r, 13008-r, 13009-r, 13010-r, 13012-r, 15791-r.)

On July 5 and 28, 1921, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against Lionel Edward Samuels, trading as the National Cocoa Mills, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about February 26 and March 1 and 28, 1919, respectively, from the State of New York into the State of Massachusetts, and on or about March 26, 1919, from the State of New York into the State of Maryland, of quantities of cocoa which was adulterated and misbranded. The article was labeled in part: "My Own Pure Cocoa * * * National Cocoa Mills, New York City * * *."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was a mixture of cocoa, cocoa shells, starch, and sugar. Examination by said bureau showed that the article involved in certain of the consignments was short weight.

Adulteration of the article was alleged in the informations for the reason that certain substances, to wit, cocoa shells, starch, and sugar, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for pure cocoa, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, " * * * Pure Cocoa The Cocoa contained in this package is Positively High Grade * * * It is a breakfast cocoa of Superior Quality and Excellence and similar to the highest grades of cocoa which have been awarded First Prize Gold Medals Paris, France, Naples, Italy, London, England, World's Fair 1885, St. Louis Exposition 1904 Absolutely Pure * * *," borne on the packages containing the article, together with the respective statements, "Net Weight $\frac{1}{2}$ Lb." and "Net Weight $\frac{1}{2}$ Lb.," borne on the packages containing a portion of the said article, regarding the article and the ingredients and substances contained therein, not corrected by the statement "'My Own' Cocoa Compound Containing Cocoa Sugar Corn Starch," stamped on the said packages, were false and misleading in that they represented that the article consisted wholly of absolutely pure cocoa of the highest grade, and that certain of the said packages contained by weight one-fifth pound or one-half pound, as the case might be, of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of absolutely pure cocoa of the highest grade, and that certain of the said packages contained by weight one-fifth pound or one-half pound, as the case might be, of the said article, whereas, in fact and in truth, the said article did not consist wholly of absolutely pure cocoa of the highest grade, and the said packages so labeled "Net Weight $\frac{1}{2}$ Lb." and "Net Weight $\frac{1}{2}$ Lb.," respectively, did not contain by weight one-fifth pound net or one-half pound net, as the case might be, of the said article, but did contain a less amount. Misbranding was alleged with respect to a portion of the said article for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 19, 1921, the defendant entered pleas of guilty to the informations, and the court imposed fines in the aggregate sum of \$140.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10157. Misbranding of peaches. U. S. * * * v. Georgia Mountain Orchard Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 14900. I. S. No. 2303-t.)

On June 18, 1921, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Georgia Mountain Orchard Co. [Georgia Mountain Orchards], a corporation, Cornelia, Ga., alleging shipment by said company, on or about August 4, 1920, in violation of the Food and Drugs Act, as amended, from the State of Georgia into the State of Louisiana, of a quantity of peaches contained in baskets, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously stated on the outside of the package.

On November 10, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10158. Adulteration and misbranding of cocoa. U. S. * * * v. Lionel Edward Samuels (National Cocoa Mills). Plea of guilty. Fine, \$20. (F. & D. No. 15255. I. S. No. 15790-r.)

On October 7, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lionel Edward Samuels, trading as the National Cocoa Mills, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 26, 1919, from the State of New York into the State of Maryland, of a quantity of cocoa which was adulterated and misbranded. The article was labeled in part: "My Own Pure Cocoa * * * National Cocoa Mills, New York City * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained sugar and starch.

Adulteration of the article was alleged in the information for the reason that substances, to wit, starch and sugar, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for pure cocoa, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Pure Cocoa," borne on the packages containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article consisted of pure cocoa and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure cocoa, whereas, in truth and in fact, it was not pure cocoa, but was a mixture composed in part of starch and sugar. Misbranding was alleged for the further reason that the article was a mixture composed in part of starch and sugar, prepared in imitation of pure cocoa, and was offered for sale under the distinctive name of another article, to wit, pure cocoa.

On December 19, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10159. Adulteration of cocoa beans. U. S. * * * v. 99½ Bags of Cocoa Beans. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15520. I. S. No. 7916-t. S. No. E-3628.)

On November 2, 1921, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 99½ bags of cocoa beans, consigned for the account of Leon Israel & Bros., Inc., New York, N. Y., remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from New York, N. Y., on or about September 6, 1921, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled, "H. Murad & Son Cacao."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On December 28, 1921, H. O. Wilbur & Sons, Inc., Philadelphia, Pa., claimant, having filed an answer admitting the allegations of the libel and having requested restoration of the product in order that the cocoa butter might be extracted therefrom, under the supervision of this department, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,700, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10160. Adulteration and misbranding of soluble saccharin. U. S. * * * v. 2 Pounds of Saccharin. Default decree declaring product adulterated and misbranded and ordering its destruction. (F. & D. No. 9378. I. S. No. 15354-r. S. No. E-1131.)

On October 8, 1918, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 pounds of saccharin, at Martinsburg, W. Va., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about August 15, 1918, and transported from the State of Missouri into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Soluble Saccharine * * * Soluble in Cold Water * * * W. B. Wood Mfg. Co. * * * St. Louis, Mo."

It was alleged in substance in the libel that the article was adulterated by the addition thereto of a certain percentage of sugar.

Misbranding was alleged in substance for the reason that the article was branded as being "Soluble Saccharine," when, in truth and in fact, it was not soluble saccharin but contained a certain quantity of sugar, which operated to cause the said branding to be untrue.

On April 8, 1920, no claimant having appeared for the property, judgment of the court was entered declaring the product to be adulterated and misbranded and ordering its destruction by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10161. Misbranding of Dr. Sanger's capsules. U. S. * * * v. 31 Packages of * * * Dr. Sanger's Capsules. Default decree declaring product misbranded and ordering its destruction. (F. & D. No. 10750. I. S. No. 15794-r. S. No. E-1579.)

On June 23, 1919, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 31 packages of Dr. Sanger's capsules, remaining unsold in the original unbroken packages at Clarksburg, W. Va., alleging that the article had been shipped by Edw. J. Moore Sons, New York, N. Y., on or about November 14, 1918, and transported from the State of New York into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the capsules contained copaiba balsam, cubebs, santal oil, matico, licorice, and magnesia.

Misbranding of the article was alleged in substance in the libel for the reason that the carton containing the said article and the booklet accompanying the same bore the following statements regarding the curative and therapeutic effect thereof. (carton) "Dr. Sanger's Capsules For Diseases Of The Urinary Organs and Bladder * * *," (booklet) "Dr. Sanger's Capsules. * * * for Gonorrhoea, Gleet, Bladder Disorders, Cystitis, Cystirrhoea, Retention of the Urine and Leucorrhoea or Whites. * * * the most obstinate cases * * * have yielded to the soothing and powerful curative powers of this remedy. In many cases the disease yields in a very short time. * * * Symptoms of Gonorrhoea. * * * You should at once begin treatment, as a delay might lead to stopping of the passage by stricture or inflammation of the kidneys and bladder * * *," which statements were false and fraudulent in that the said article contained no substance or ingredient or combination of ingredients capable of producing the effects claimed.

On October 1, 1920, no claimant having appeared for the property, judgment of the court was entered declaring the product to be misbranded and ordering its destruction by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10162. Misbranding of Wendell's Ambition Brand pills. U. S. * * * v. 85 Packages and 77 Packages of * * * Wendell's Pills. Default decrees declaring product to be misbranded and ordering its destruction. (F. & D. Nos. 13616, 13617. I. S. Nos. 8592-t, 8593-t, 8597-t. S. Nos. E-2489, E-2490, E-2514.)

On or about September 13, 1920, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 162 packages of Wendell's Ambition Brand pills, remaining unsold in the original packages at Wheeling, W. Va., alleging that the article had been shipped by the Wendell Pharmacal Co., Syracuse, N. Y., on or about February 23, March 22, and June 27 [17], 1920, respectively, and transported from the State of New York into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of plant tissues and extracts, including nux vomica and cinchona, phosphorus, aloin, and spices, coated with a mixture of sugar and calcium carbonate and colored with a red dye.

Misbranding of the article was alleged in substance in the libels for the reason that the cartons containing the said article bore the following statements regarding its curative and therapeutic effect, " * * * Pills Ambition Brand. Beneficial in the treatment of * * * Nervous Debility, Sleeplessness, Despondency, Mental Depression, Hysteria, Nervous Headaches, Dyspepsia, Indigestion, * * * Affections of the Nervous System," which statements were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effect claimed.

On April 12, 1921, no claimant having appeared for the property, judgments of the court were entered declaring the product to be misbranded and ordering its destruction by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10163. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 497 Cases of Canned Tomatoes. Decree ordering product released under bond. (F. & D. No. 13688. I. S. No. 8623-t. S. No. E-2744.)

On or about September 22, 1920, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 497 cases of canned tomatoes, remaining unsold in the original packages at Wheeling, W. Va., alleging that the article had been shipped by W. M. Wright & Son, Preston, Md., on or about July 28, 1920, and transported from the State of Maryland into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it contained added water averaging 15 per cent or more.

Misbranding was alleged in substance for the reason that the labels of the cans containing the article bore the following statement regarding the contents thereof, "Collins Brand Tomatoes" (design of a red ripe tomato) "Contents 2 lbs., Packed by F. M. Collins, Preston, Md.," which statement was false and misleading and was intended to deceive and mislead the purchaser in that the said cans did not contain tomatoes in the condition represented by the said statement. Misbranding was alleged for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article.

On April 6, 1921, F. M. Collins, Preston, Md., claimant, having offered to pay the costs of the proceedings, having tendered a bond in the sum of \$500, in conformity with section 10 of the act, and having offered to relabel the product by placing across the design of a red ripe tomato a sticker containing the words, "Water added not to exceed average 15 per cent," judgment of the court was entered approving the said bond and ordering that the product be delivered to the said claimant upon payment of the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10164. Misbranding of Hall's catarrh medicine. U. S. * * * v. 9 Gross Bottles * * * and 3 Gross Bottles * * * of Hall's Catarrh Medicine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14069, 14070. I. S. Nos. 10411-t, 10412-t. S. Nos. W-816, W-817.)

On or about December 14, 1920, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 12 gross bottles of Hall's catarrh medicine, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Cheney Medicine Co., Toledo, Ohio, on or about August 25, October 11, and November 1, 1920, respectively, and transported from the State of Ohio into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodid, bitter plant extractives, sugar, alcohol, and water, flavored with cardamom.

Misbranding of the article was alleged in substance in the libels for the reason that it was labeled in part as follows, (bottle, carton, and booklet) "Hall's Catarrh Medicine * * *," (bottle) "* * * valuable in the treatment of Catarrh * * *," (booklet) "* * * For Catarrh of the Nasal Cavity, Catarrh of the Ear, Throat, Stomach, Bowels, or Bladder. * * * a Blood Purifier * * *," which statements appearing on the labels and in the accompanying booklet were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On August 17, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be disposed of according to law. The product was destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10165. Misbranding of Lung Germine. U. S. * * * v. 8 Packages * * * of Lung Germine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15026. Inv. No. 35373. S. No. E-3423.)

On July 15, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 packages of Lung Germine, remaining unsold at Boston, Mass., alleging that the article had been shipped by the Lung Germine Co., Jackson, Mich., on or about April 7, 1921, and transported from the State of Michigan into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sulphuric acid, alcohol, and water, with small amounts of iron sulphate, spices, and material derived from cod-liver oil.

Allegations in the libel as to the false and misleading statements with reference to the alcoholic content of the article and as to the false and fraudulent statements regarding its curative and therapeutic effect, appearing in the labeling thereof, are substantially the same as those set forth in detail in Notice of Judgment No. 9958, to which reference is made.

On November 14, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10166. Adulteration and misbranding of tankage. U. S. * * * v. The Schalker Packing Co., a Corporation. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 15067. I. S. No. 8081-r.)

At the October, 1921, term of the United States District Court within and for the District of Kansas, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against the Schalker Packing Co., a corporation, Leavenworth, Kans., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 23, 1919, from the State of Kansas into the State of Missouri, of a quantity of tankage which was adulterated and

misbranded. The article was labeled in part, "'Fat Hog Tankage' * * * From Schalker Packing Co. * * * Leavenworth, Kansas."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 41.90 per cent of protein, 15.19 per cent of fat, and 3.98 per cent of crude fiber. Examination showed the presence also of hair, bone, oats, and grass.

Adulteration of the article was alleged in the information for the reason that substances, to wit, vegetable matter, stomach and intestinal contents, bones, and hair, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for fat hog tankage, to wit, feeding tankage, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Protein 60 65-100% Fat 26 22-100% Fibre 1 50-100%," borne on the sacks containing the article, regarding it and the substances and ingredients contained therein, were false and misleading in that they represented to the purchaser thereof that the article contained not less than 60.65 per cent of protein, not less than 26.22 per cent of fat and not more than 1.50 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was fat hog tankage, to wit, feeding tankage, and contained not less than 60.65 per cent of protein, not less than 26.22 per cent of fat, and not more than 1.50 per cent of fiber, whereas, in truth and in fact, the said article was composed in part of vegetable matter, stomach and intestinal contents, bones, and hair, and contained less protein than 60.65 per cent, less fat than 26.22 per cent, and more fiber than 1.50 per cent.

On October 10, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10167. Adulteration and misbranding of mineral water. U. S. * * * v. 109 Cases * * * and 598 * * * Cans of * * * Mineral Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15333. I. S. No. 11003-t. S. No. W-1001.)

On August 27, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 109 cases, each containing one dozen bottles, and 598 five-gallon cans of mineral water, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Capon Springs Co., Winchester, Va., alleging that the article had been shipped from Winchester, Va., on or about June 22, 1921, and transported from the State of Virginia into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Cacapon Healing Water * * * Capon Springs Co. Capon Springs, W. Va."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a moderately mineralized water and that the dissolved mineral matter consisted chiefly of calcium bicarbonate. The analysis showed further that the sample was polluted.

Adulteration of the article considered as a food was alleged in the libel for the reason that it consisted wholly or in part of filthy, decomposed, and putrid animal or vegetable substances.

Misbranding of the article considered as a food was alleged for the reason that the said article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the bottles, since it was a liquid and the contents were stated in pounds. Misbranding of the article considered as a drug was alleged for the reason that the following statements on the label, regarding the curative and therapeutic effect of the said article, to wit, "For Over Two Centuries Leading Physicians Have Prescribed Cacapon (Healing Water) For Many Diseases, Including Some Thought Incurable. * * * Drink * * * And Live * * * Tonic, Alternative And Diuretic. * * * I know of No Water Comparable To Capon for bladder and kidney troubles. * * * I have observed striking results in rheumatic gout, syphilitic rheumatism and chronic inflammation * * *," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 22, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal. The marshal was further directed to sell the containers of the said product if he should find it to the advantage of the Government to do so.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10168. Adulteration of frozen mixed eggs. U. S. * * * v. 125 Cases of Frozen Mixed Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15374. I. S. No. 10846-t. S. No. W-936.)

On September 16, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 125 cases of frozen mixed eggs, remaining unsold in the original unbroken packages at Denver, Colo., consigned by Swift & Co., Wichita, Kans., alleging that the article had been shipped from Wichita, Kans., July 9, 1921, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Sanitary Eggs. 30 Pounds Net Swift & Company, General Offices Chicago, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of filthy, decomposed, and putrid animal substances.

On December 22, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal. The marshal was further directed to sell the containers of the said product if he should find it to the advantage of the Government to do so.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10169. Misbranding of olive oil. U. S. * * * v. 112 Pint Cans, et al., of Olive Oil. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15554, 15622. I. S. Nos. 11175-t, 13876-t, 13877-t, 13878-t, 13879-t, 13880-t, 13881-t, 13882-t, 13883-t. S. Nos. W-1030, W-1032.)

On or about November 22, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 237 half-pint cans, 449 pint cans, 147 quart cans, 59 half-gallon cans, and 42 gallon cans of olive oil, remaining unsold in the original unbroken packages at Trinidad and Denver, Colo., respectively, consigned by the Old Monk Olive Oil Co., Chicago, Ill., alleging that the article had been shipped on or about September 3, 13, and 23 and October 5 and 18, 1921, respectively, and transported from the State of Illinois into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) " * * * Old Monk Olive Oil. * * * Old Monk Olive Oil Co., New York, Chicago, Nice."

Misbranding of the article was alleged in substance in the libels for the reason that the statements, to wit, "Net Contents One Half-Pint," "Net Contents One Pint," "Net Contents One Quart," "Net Contents One Half-Gallon," and "Net Contents One Gallon," borne on the respective cans containing the said article, were false and misleading and deceived and misled the purchaser in that the net contents of each of the said cans were less than one half-pint, one pint, one quart, one half-gallon, and one gallon, respectively. Misbranding was alleged for the further reason that the said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 22, 1921, the Old Monk Olive Oil Co., Chicago, Ill., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,000, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10170. Misbranding of Prescription 1000, internal. U. S. * * * v. 2 Dozen Bottles of * * * Prescription 1000. Default decree ordering destruction of the product. (F. & D. No. 10213. I. S. No. 16192-r. S. No. E-1362.)

On or about May 13, 1919, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 dozen bottles of Prescription 1000 internal, at Tampa, Fla., consigned by the Reese Chemical Co., Cleveland, Ohio, alleging that the article had been shipped from Cleveland, Ohio, on or about February 1, 1919, and transported from the State of Ohio into the State of Florida, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of an emulsion composed of copaiba balsam, a small amount of alkali, and water, flavored with methyl salicylate.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements appearing on the bottle and carton and in the accompanying circular, regarding the curative and therapeutic effect of the said article, falsely and fraudulently represented it to be effective as a most efficient treatment for gleet, gonorrhea, bladder troubles, frequent urination, and inflammation, whereas the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effect claimed in said statements.

On January 24, 1922, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10171. Misbranding of Planten's black capsules and special capsules. U. S. * * * v. 8 Dozen Boxes of * * * Planten's Black Capsules and 8 Dozen Boxes of * * * Special Capsules * * *. Consent decree declaring the black capsules to be misbranded and ordering their release under bond. Default decree of condemnation, forfeiture, and destruction with respect to the special capsules. (F. & D. Nos. 10446, 10447. I. S. Nos. 2765-r, 2768-r. S. Nos. W-380, W-381.)

On May 27, 1919, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 8 dozen boxes of Planten's black capsules and 8 dozen boxes of special capsules, remaining in the original unbroken packages at San Francisco, Calif., alleging that the articles had been shipped by H. Planten & Son, Brooklyn, N. Y., September 5, 1917, and May 14, 1918, respectively, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: "Planten's C. & C. or Black Capsules * * * H. Planten & Son, Brooklyn, N. Y.," and "Special Capsules Copaiba And Cubeb (With Haarlem Oil And Salol) * * *."

Misbranding of the articles was alleged in substance in the libels for the reason that certain statements appearing in the labeling of the respective articles falsely and fraudulently represented that the black capsules were effective for the treatment of diseases pertaining to the kidneys, bladder, and urinary organs, for gonorrhea and gleet, in restoring a healthy condition of the mucous membranes of the genito-urinary tract, and for the treatment of chronic and acute gonorrhea, gleet, and urethritis; and that the special capsules were effective as a valuable remedy for difficult and obstinate cases of gonorrhea, gleet, urinary affections, inflammation of the bladder, and all discharges, restoring the healthy condition of the mucous membranes in gonorrhea and kindred affections, and most effective in chronic and acute gonorrhea, gleet, cystitis, and inflammation of the bladder, stopping the discharges in a few days; whereas the said articles contained no ingredients or combinations of ingredients capable of producing the curative and therapeutic effects claimed.

On June 10, 1919, no claimant having appeared for the special capsules, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said product be destroyed by the United States marshal. On October 11, 1919, H. Planten & Son, Brooklyn, N. Y., having entered an appearance as claimant for the black capsules and having consented to a decree, judgment of the court was entered declaring the said product to be misbranded and

ordering that it be delivered to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10172. Misbranding of Crab Orchard mineral water. U. S. * * * v. 36 Bottles * * * of * * * Crab Orchard Mineral Water. Tried to the court and a jury. Verdict for the Government. Motion by defendant for new trial. Appeal not perfected and final judgment of condemnation and forfeiture entered and product released under bond. (F. & D. No. 11297. I. S. No. 7330-r. S. No. C-1475.)

On September 23, 1919, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on May 16, 1921, an amendment to said libel, praying the seizure and condemnation of 36 bottles of Crab Orchard mineral water, remaining unsold at Cincinnati, Ohio, consigned by L. H. Goodwin & Co., Crab Orchard, Ky., September 12, 1919, alleging that the article had been shipped from Crab Orchard, Ky., and transported from the State of Kentucky into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "Crab Orchard Concentrated Mineral Water" (design of Indian maid sitting at a spring and drinking from a cup) "Trade Mark Pure Crab Orchard Springs Concentrated Mineral Water (Genuine) Taken From The Famous Mineral Springs of Crab Orchard, Ky. L. H. Goodwin & Co. World Distributors Crab Orchard, Lincoln Co., Kentucky, U. S. A. Guarantee Goodwin's Pure Crab Orchard Springs Concentrated Mineral Water Nature's Great Unfailing Remedy Not A Drastic Drug Compound A bona fide Guarantee goes with every bottle sold, which stipulates that the money paid will positively be refunded, if after taking one-third bottle of the medicine, the same should not do what is claimed for it. The World's Greatest Remedy For The Following Ailments In Their Most Chronic Forms: Rheumatism Constipation Kidney Diseases Liver Complaints Dyspepsia Biliousness Sick and Nervous Headache Scrofula Malarial Fever Hay Fever Typhoid Fever Lumbago Sleeplessness Vertigo Piles Skin Disorders Indigestion Jaundice Flatulency Female Complaint Neuralgia Colds La Grippe Palpitation of the Heart Disordered Nerves Dysentery Gout Bilious Colic Stomach and Bowel Troubles Loss of Appetite Catarrh in All Forms Gall Stones Dropsy Bladder Troubles And All Diseases Arising From a Disordered Liver, Kidneys, Stomach And Impure Blood. A Mild Aperient Tonic And A Perfect System Regulator * * * Great Nature's Pure Mineral Water Remedy. The Water from the Springs is reduced 120 times, but all medicinal properties are retained in their efficacy. This bottle contains 15 gallons of the natural product of the Springs in concentrated form. It is known throughout the world as having no equal in the treatment of complaints which have their origin in the Stomach, Liver, Kidneys and Bladder, and it is the Best Tonic on Earth. Highly recommended by prominent physicians everywhere. * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a highly mineralized water and that the dissolved mineral matter consisted chiefly of Glauber's and Epsom salts.

Misbranding of the article was alleged in substance in the libel, as amended, for the reason that the package or label bore the above-quoted statements regarding the curative or therapeutic effect of the said article, which statements were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that it was insufficient of itself for the successful treatment and cure of the ailments and diseases for which it was prescribed and recommended in the said statements.

On May 17, 1921, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel the court charged the jury as follows (Peck, D. J.):

This is an action, gentlemen of the jury, brought by the Government of the United States for the purpose of effecting the seizure and condemnation of 36 bottles, more or less, of Crab Orchard concentrated mineral water. It is brought under what is known as the Pure Food and Drugs Law. The pertinent parts of the law are that if a package or label shall contain or bear any statement regarding the curative or therapeutic effect of a drug, the contents of the package, which statement is false and fraudulent in any particular, then the package is misbranded. And if, being misbranded, it is transported in

interstate commerce for the purpose of sale, the Government of the United States may proceed against it. It may be seized and confiscated and condemned, either to be destroyed or sold, the proceeds to be turned into the Treasury of the United States, as the court may order, unless the owners, the claimants, give bond and pay the costs—give bond that they will not dispose of it contrary to law; that is to say, upon giving bond it may be retaken by the owners, to be disposed of under a proper label. The purpose of the act is to insure the truthful and proper labeling of drugs; it is to prevent the false or fraudulent labeling of drugs; it is to protect the public against being misled as to the curative properties of drugs and substances that are offered for sale. The action is not an action to prevent the future sale of Crab Orchard water, either in its natural state or concentrated; the Government proceeds upon the theory that this package of Crab Orchard water is a misbranded package. It is not claimed for the Government that this Crab Orchard water shall not be sold under a proper branding, but what the Government claims is that it is now being sold and disposed of to the public under an improper branding.

Now, the essential elements of the pleading which the Government has filed, which in this form of action is called a libel, are that this water, these packages of water, were transported in interstate commerce. That is admitted by the answer of the defendants. That they were transported within this district and are held for sale—that is admitted by the defendants. That they were misbranded in the particulars set forth in the libel—this is denied by the defendants. And the burden of proof is upon the Government of the United States to establish—to show, I should say, rather than establish—to show by clear and convincing evidence, by a preponderance of the evidence which is clear and convincing, that this branding is false and fraudulent in some one or more of the statements contained upon the label. It is not necessary that the Government show, to entitle it to a verdict, that all of these statements are false and fraudulent. It is only necessary that the Government show that some one or more of these statements is false and fraudulent. Thus, if the libel be true, in all respects except as to typhoid fever, for instance, but false and fraudulent as to typhoid fever, then the package is misbranded. To be truthfully branded there must be no false and fraudulent statement contained thereon. If false and fraudulent in any particular with regard to any one statement thereon made, or any one disease thereon stated, it is misbranded.

The statements of which the Government particularly complains are as follows: "The World's Greatest Remedy For The Following Ailments In Their Most Chronic Forms: Rheumatism, Constipation, Kidney Diseases, Liver Complaints, Dyspepsia, Biliousness, Sick and Nervous Headache, Scrofula, Malarial Fever, Hay Fever, Typhoid Fever, Lumbago, Sleeplessness, Vertigo, Piles, Skin Disorders, Indigestion, Jaundice, Flatulency, Female Complaint, Neuralgia, Colds, La Grippe, Palpitation of the Heart, Disordered Nerves, Dysentery, Gout, Bilious Colic, Stomach and Bowel Troubles, Loss of Appetite, Catarrh in All Forms, Gall Stones, Dropsy, Bladder Troubles And All Diseases Arising From a Disordered Liver, Kidneys, Stomach and Impure Blood. A Mild Aperient Tonic And A Perfect System Regulator. Sold only by Authorized Agents." Now, I say to you that if any one of those statements are false and fraudulent the product is misbranded.

I say to you that the burden of proof is upon the Government of the United States to establish by a preponderance of the evidence which is clear and convincing that one or more of those statements is false and fraudulent. It is not enough, gentlemen of the jury, for the Government to show that one of those statements is in fact untrue. There are differences between scientific men; there are differences between medical men as to the therapeutic effect of medicines. That is well known to all. What the Government must show is that one or more of these statements is false and fraudulent. By false is meant untrue in fact; by fraudulent is meant a statement which the makers knew to be untrue when it was made, or a statement which was made in reckless and wanton disregard of the truth. If one puts out a package of drugs with a statement thereon that it will cure this and that and the other, and that statement is recklessly made, in disregard of the truth, not knowing whether it be in fact truthful or false, it is within the meaning of this act just as much a misbranding as if the maker of the statement knew that it was false. So that I say to you fraudulent means either that the maker of the statement knew the statement to be untrue when he made it, or that he made it in reckless disregard of the truth.

Now, let us apply that to some of these statements upon this carton. We will take typhoid fever, for example. Is it true that this water is a remedy for typhoid fever? If you find that that be true, that is the end of it, so far as typhoid fever is concerned. But assume you find that that is false, that this water is no remedy for typhoid fever, then your next consideration will be whether that statement is fraudulent. Did the makers of that statement, when they placed it upon this carton and placed this carton upon the market, know that statement to be false? Or was that statement made in reckless disregard of the truth; that is to say, was it made wantonly and recklessly, with a wanton and reckless disregard as to whether it was true or not? When these cartons are placed upon the market with these statements upon them and offered to the public, it is just as though the manufacturer were standing there in person and had this package in his hand and said orally to the prospective purchaser, "I offer to sell you this. This is a remedy for typhoid fever," and as though the other parted with his money upon the faith of that statement. Now, if the statement was true, or the maker of the statement believed it to be true, obviously it would not be false and fraudulent; but if the statement was untrue, and the maker knew it to be untrue, or, being untrue, he made it in reckless and wanton disregard of whether it was true or false, then obviously that statement would be a fraudulent statement.

Gentlemen of the jury, in construing the language upon this carton you are to interpret it as the ordinary man, the purchaser of ordinary intelligence, would interpret it. That is, "The World's Greatest Remedy For The Following Ailments In Their Most Chronic Forms"—then follows the diseases—in considering what those words mean you are to take those words just as the ordinarily intelligent purchaser would understand them if he were to go into a drug store or other store and were about to buy this carton, it having been placed in his hand for examination.

You are the sole judges of the evidence, gentlemen of the jury, and you are likewise the sole judges of the credibility of the witnesses. You will consider their affiliation with the case, their interest in its outcome, their connection with either one party or the other party, any bias or prejudice that they may have shown upon the witness stand. You will consider all facts relating to or bearing upon the credibility of the witnesses. The greater number of witnesses is not necessarily the true test as to where the preponderance lies. The question is, what is the convincing force and effect of what the witnesses say to you?

Now, there has been necessarily in this case offered that which is known as opinion evidence. If one were to testify to you "The contents of this bottle came from the Crab Orchard Springs," that would be evidence as to a fact, something that is capable of definite ascertainment; but if one were to say to you from the witness stand, "The contents of this bottle, in my judgment, based upon my learning and experience, are of no value in the cure of rheumatism or typhoid fever or gall stones, or any other diseases," that would be an expression of opinion. Opinion evidence is not binding upon you, but it is to be given consideration, as other evidence. The value of opinion evidence evidently depends upon, first, the truth and honesty of the witnesses, whether or not it is the true and honest opinion of the man who states it to you. Of course, if it is not his true and honest opinion, it is of no value. Secondly, it depends upon the amount that he knows about the subject that he speaks of, his intelligence, his opportunity for observation, his study, his research, the soundness of his judgment: all of those things will be taken into consideration by you in determining what effect you will give to the opinion of a witness who has testified as to his opinion.

So, gentlemen of the jury, you will take into consideration all of the evidence carefully of both the plaintiff and defendant, that is to say, both the Government and the respondents, and if you find from the evidence that this carton contains statements of which the Government complains in the libel which are both false and fraudulent, it is your duty to find a verdict for the plaintiff, the Government of the United States. If, on the other hand, you do not find that the statements are shown by the evidence—that the statements, or some of them, are shown by the evidence to be false and fraudulent, then it is your duty to find a verdict for the defendants.

Gentlemen of the jury, you will now take the case, retire and deliberate upon your verdict, and when you have reached it, report it to the court.

The jury then retired and after due deliberation returned a verdict for the Government. On May 19, 1921, a motion for a new trial was filed by the defend-

ant. On June 11, 1921, the motion for a new trial having been denied, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to Ida C. Goodwin, executrix of the estate of Levi H. Goodwin, claimant for the property, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10173. Misbranding of Dr. LeGear's hog prescription. U. S. * * * v. 260 Cartons of Dr. LeGear's Hog Prescription. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 11912, 11913, 11914, 11915, 11916, 11917, 11918. I. S. Nos. 633-r, 634-r, 635-r, 636-r, 637-r, 638-r, 639-r. S. Nos. E-1952, E-1953, E-1954, E-1955, E-1956, E-1957, E-1958.)

On February 9, 1920, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 260 cartons of Dr. LeGear's hog prescription, at Newberry, Chappells, Kinards, Clinton, and Cross Hill, S. C., respectively, alleging that the article had been shipped by the Dr. L. D. LeGear Medicine Co., St. Louis, Mo., between the dates December 13 and 17, 1919, and transported from the State of Missouri into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of magnesium sulphate, iron sulphate, sodium chlorid, charcoal, American wormseed, quassia, and ground vegetable material.

Misbranding of the article was alleged in substance in the libel for the reason that the label on each of the cartons containing the said article bore the following medicinal claims, "Dr. LeGear's Hog Prescription. The Worm Expeller * * * Good for many cases of so-called Cholera in Hogs, such as Diarrhoea, Bowel Troubles, Kidney Worms, etc. Guaranteed * * * Directions * * * For Diarrhoea, Dysentery and other Bowel Troubles resembling Cholera * * * Manufactured Only By Dr. L. D. LeGear Medicine Co. St. Louis, Mo.," which said medicinal claims were false, fraudulent, and misleading.

On September 2, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10174. Adulteration and misbranding of peanut meal. U. S. * * * v. 287 Sacks of Peanut Meal * * *. Consent decree ordering release of the product under bond. (F. & D. No. 12979. I. S. No. 121-r. S. No. E-2396.)

On June 26, 1920, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 287 sacks of peanut meal, remaining in the original unbroken packages at Charleston, S. C., consigned by the Camilla Cotton Oil & Fertilizer Co., Macon, Ga., alleging that the article had been shipped on or about June 5, 1920, and transported from the State of Georgia into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100 Pounds Peanut Feed Manufactured By Camilla Cotton Oil & Fertilizer Co. Camilla, Georgia. * * *."

Adulteration of the article was alleged in the libel for the reason that peanut hulls had been mixed and packed with, and substituted wholly or in part for, peanut feed.

Misbranding was alleged in substance for the reason that the statement appearing upon the tags attached to the sacks containing the article, "Peanut Feed * * * Made From Pressed Peanut Cake," was false and misleading and deceived and misled the purchaser, since the said article was not made from pressed peanut cake but was a mixture of pressed peanut cake and added peanut hulls. Misbranding was alleged for the further reason that the article was an imitation of, and offered for sale under the distinctive name of, another article.

On July 27, 1920, I. M. Pearlstine & Sons, Inc., Charleston, S. C., claimant, having admitted the allegations of the libel and having consented to a decree,

judgment of the court was entered ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$800, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10175. Adulteration of grape and strawberry beverages. U. S. * * * v. 25 Dozen Bottles of Grape, et al. Decrees of condemnation, forfeiture, and destruction. (F. & D. No. 13872. I. S. Nos. 9237-t, 9238-t. S. No. E-2872.)

On or about November 29, 1920, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 25 dozen bottles of grape and 10 dozen bottles of strawberry beverages, at Palmyra, N. C., alleging that the articles had been shipped by the American Fruit Products Co., Norfolk, Va., on or about August 31, 1920, and transported from the State of Virginia into the State of North Carolina, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part, respectively: "Grape" (design showing a bunch of grapes) "Artificial Flavor And Color," and "Strawberry Artificial Color And Flavor * * * The Perfection of Purity and Excellence * * * The I. S. Fine Corporation Roanoke, Va. Guaranteed Under The Food And Drugs Act, * * *"

Adulteration of the articles was alleged in substance in the libels for the reason that they had been mixed with saccharin, which is injurious to health. It was further alleged in the libels that artificial products had been substituted for fruit juice preparations.

On April 7, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10176. Adulteration and misbranding of grape smash and grape beverage. U. S. * * * v. 18½ Dozen Bottles of Grape Smash, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 14136. I. S. Nos. 9241-t, 9242-t. S. No. E-2870.)

On January 7, 1921, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 18½ dozen bottles of grape smash and 6½ dozen bottles of grape beverage, at Greenville, N. C., alleging that the articles had been shipped by the American Fruit Products Co., Norfolk, Va., on or about August 7 and 31, 1920, respectively, and transported from the State of Virginia into the State of North Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively, "Grape Smash Artificial Color * * *," and "Grape Artificial Flavor and Color * * *"

Adulteration of the articles was alleged in the libels for the reason that saccharin had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength and had been substituted in part for the said articles. Adulteration was alleged for the further reason that the said articles contained an added poisonous and deleterious ingredient, to wit, saccharin, which rendered the said articles injurious to health.

Misbranding was alleged in substance for the reason that the statements on the respective labels, "Grape Artificial Flavor and Color" and "Grape Smash," were false and calculated to deceive purchasers thereof. Misbranding was alleged for the further reason that the articles were imitations of, and offered for sale under the distinctive names of, other articles, and for the further reason that the said articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On April 20, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10177. Misbranding of tomato catsup. U. S. * * * v. Harvard Vineyards, Inc., a Corporation. Plea of nolo contendere. Fine, \$25. (F. & D. No. 14350. I. S. No. 13204-r.)

On September 6, 1921, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district an information against the Harvard Vineyards, Inc., a corporation, Brocton, N. Y., alleging shipment by said company, under the name of the Naboth Vineyards, on or about January 7, 1920, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Massachusetts, of a quantity of tomato catsup which was misbranded. The article was labeled in part, (bottles) "Brunswick Brand * * * Tomato Catsup * * *."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight 1 Lb. 2 Ozs.," borne on the labels attached to a number of the bottles containing the said article, and the statement, to wit, "Net Weight 9 Ounces," borne on the labels attached to the remainder of the said bottles, regarding the article, were false and misleading in that the said statements represented that the said bottles contained one pound 2 ounces net or 9 ounces net of the said article, respectively, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said bottles contained one pound 2 ounces net or 9 ounces net of the said article, respectively, whereas, in truth and in fact, the said bottles did not contain one pound 2 ounces net or 9 ounces net of the said article, respectively, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 13, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10178. Adulteration of evaporated apple chop. U. S. * * * v. 521 Bags * * * of Evaporated Apple Chop. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14943. I. S. Nos. 1085-t, 1086-t. S. No. C-3058.)

On May 21, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 521 bags of evaporated apple chop, at Chicago, Ill., alleging that the article had been shipped by the J. S. Dawes Sons Co., Hightstown, N. J., March 15 and 28, 1919, respectively, and transported from the State of New Jersey into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy vegetable substance, for the further reason that it consisted in part of a decomposed vegetable substance, and for the further reason that it consisted in part of a putrid vegetable substance.

On November 30, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10179. Adulteration of sardines. U. S. * * * v. 25 Cases * * * of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14947. I. S. No. 300-t. S. No. C-3059.)

On May 21, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases of sardines, at Chicago, Ill., alleging that the article had been shipped by Montagnino & Scaduto, New York, N. Y., May 11, 1920, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "* * * Sardines In Salt * * * Packed by Antonio Scaduto Sciacca Italy Sole Agents For The United States Montagnino & Scaduto New York U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy vegetable [animal] substance, for the further reason that it consisted in part of a decomposed vegetable [animal] substance, and for the further reason that it consisted in part of a putrid vegetable [animal] substance.

On November 30, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10180. Misbranding of cottonseed cake. U. S. * * * v. Kaufman Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 13172. I. S. Nos. 11985-r, 11986-r.)

On August 3, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Kaufman Cotton Oil Co., a corporation, Kaufman, Tex., alleging shipment by said company, on or about February 11, 1919, in violation of the Food and Drugs Act, as amended, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 9, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10181. Adulteration and misbranding of olive oil. U. S. * * * v. 29 Gallon Cans of Olive Oil * * *, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13950, 13951, 13952, 13953. I. S. Nos. 6457-t, 6458-t, 6459-t, 6460-t, 6461-t. S. Nos. E-2884, E-2885, E-2886, E-2887.)

On February 7, 1921, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 40 gallon cans and 163 quart cans of olive oil, remaining in the original unbroken packages at Bayonne, Paterson, and Lodi, N. J., respectively, alleging that one consignment of the article had been shipped by Ventoura & Begani, New York, N. Y., on or about September 14, 1920, and that two consignments had been made by Poletti, Coda & Rebecchi, New York, N. Y., on or about September 15 and 20 and October 2, 1920, respectively, and that the article had been transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libels for the reason that substances, to wit, cottonseed oil and soya bean oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for olive oil, which the said article purported to be.

Misbranding was alleged for the reason that the statements labeled on the cans containing the said article, regarding the ingredients contained therein, to wit, "Olio La Viva Italia Brand * * * Superior In Quality, Purity, Economy & Flavor To Olive Oil Fine Edible Salad Oil Blended With Pure Olive Oil A Compound—Packed In New York Net Contents 1 Gallon" (or "1 Quart") "Ventoura & Begani * * *," were false and misleading in that the words "Olio La Viva Italia Brand" and "Olive Oil" on the said labels were in large prominent type, whereas the words "Superior In Quality, Purity, Economy & Flavor To" and "Fine Edible Salad Oil Blended With Olive Oil A Compound—Packed In New York Net Contents 1 Gallon" (or "1 Quart") were in small inconspicuous type, thereby constituting a design or device that was misleading to the purchaser. Misbranding was alleged for the further reason that the article was a product composed of cottonseed oil and soya bean oil prepared in imitation of, and offered for sale under the distinctive name of, another article, to wit, pure olive oil. Misbranding was alleged in substance for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly or correctly and conspicuously stated in terms of weight or measure in that the net contents of the said cans were stated on the said labels as one gallon and one quart, respectively, whereas, in truth and in fact, the average contents of the said cans were less than one gallon and one quart, respectively.

On January 19, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10182. Misbranding of Hall's catarrh medicine. U. S. * * * v. One Gross Packages and Two Gross Packages of * * * Hall's Catarrh Medicine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14013, 14071. I. S. Nos. 10158-t, 10159-t. S. Nos. W-812, W-815.)

On or about December 14, 1920, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 3 gross packages of Hall's catarrh medicine, remaining unsold in the original unbroken packages at Denver, Colo., consigned by F. J. Cheney & Co., Toledo, Ohio, alleging that the article had been shipped from Toledo, Ohio, on or about August 20 and November 15, 1920, respectively, and transported from the State of Ohio into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodid, bitter plant extractives, sugar, alcohol, and water, flavored with cardamom.

Misbranding of the article was alleged in substance in the libels for the reason that the labels of the bottles containing the article and the carton and booklet accompanying the same bore statements regarding the curative and therapeutic effects of the said article, in part as follows, (carton) "Hall's Catarrh Medicine * * *," (bottle) "Hall's Catarrh Medicine * * * valuable in the treatment of Catarrh * * *," (booklet) "Hall's Catarrh Medicine For Catarrh of the Nasal Cavity, Catarrh of the Ear, Throat, Stomach, Bowels or Bladder. * * * a Blood Purifier * * *," which statements were false and fraudulent in that the said article was not a medicine for catarrh, was not valuable in the treatment of catarrh, was not a blood purifier, and contained no ingredient or combination of ingredients capable of producing any of the effects claimed.

On December 22, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10183. Misbranding of Hall's catarrh medicine. U. S. * * * v. 144 Bottles * * * of Hall's Catarrh Medicine, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 11560, 14063, 14064, 14065, 14066, 14067. I. S. No. 15187-r. Inv. Nos. 19596, 19597, 19598, 19599, 19600. S. Nos. E-1902, E-2930, E-2931, E-2932, E-2933, E-2934.)

On December 16, 1919, and December 15, 1920, respectively, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 82½ dozen bottles of Hall's catarrh medicine, remaining in the original unbroken packages at Philadelphia, Pa., consigned by F. J. Cheney & Co., Toledo, Ohio, alleging that the article had been shipped on or about October 27, 1919, and June 15, October 28, and November 4, 18, and 20, 1920, respectively, and transported from the State of Ohio into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodid, bitter plant extractives, sugar, alcohol, and water, flavored with cardamom.

The allegations in the libels with reference to the false and fraudulent statements as to the curative and therapeutic effect of the said article, appearing in the labeling thereof, are substantially the same as those set forth in detail in Notice of Judgment No. 10065, to which reference is made.

On January 5 and 17, 1922, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the property be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10184. Misbranding of Euca-Mul. U. S. * * * v. 29 Sixteen-Ounce Bottles of * * * Euca-Mul. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14383. Inv. No. 27891. S. No. E-3084.)

On February 1, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel, and on February 7, 1921, an amended libel, for the seizure and condemnation of 29 sixteen-ounce bottles of Euca-Mul, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Edw. G. Binz Co., Los Angeles, Calif., on or about November 8, 1920, and transported from the State of California into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Euca-Mul Binz * * * Croup, Bronchitis Bronchial Asthma Tuberculosis Whooping Cough And Other Throat And Lung Affections Dose $\frac{1}{2}$ to one teaspoonful as needed * * * Manf'd by Edw. G. Binz Company * * * Los Angeles, Cal."; (circular) " * * * Will * * * relieve any kind of cough; will relieve all chronic coughs, and will arrest paroxysms in whooping cough; * * * For Whooping Cough * * * Use * * * and * * * you will control the whooping cough in a short time. Consumption In this trouble, use Euca-Mul * * * for the effect in the disease, regardless of the cough, * * * Asthma This disease should be treated with Euca-Mul, * * * Croup * * * Euca-Mul will be appreciated in this disease. * * * The persistent use of Euca-Mul brings the best result * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of an emulsion of eucalyptus oil, reducing sugar, glycerin, gum, alcohol, and water.

Misbranding of the article was alleged in substance in the libel, as amended, for the reason that the above-quoted statements appearing on the bottle labels and in the circular accompanying the article, regarding the curative and therapeutic effect thereof, were false and fraudulent, since the said article contained no ingredients or combination of ingredients capable of producing the effects claimed.

On March 15, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and on December 29, 1921, it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10185. Adulteration of coal-tar color. U. S. * * * v. 1 Pound * * * of Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14982. I. S. No. 6591-t. S. No. E-3213.)

On June 6, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 pound of coal-tar color, remaining unsold in the original unbroken package at New Rochelle, N. Y., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about March 11, 1921, and transported from the State of Missouri into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "W. B. Wood Mfg. Co., St. Louis, Mo., Warranted * * * Complies with all requirements Quality Color * * * #510 Yellow * * *."

Adulteration of the article was alleged in the libel for the reason that sodium chlorid and sodium sulphate had been mixed and packed with and substituted in part for the said article, and for the further reason that it contained an added poisonous or deleterious ingredient, arsenic, which might render the said article injurious to health.

On November 17, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10186. Misbranding of olive oil. U. S. * * * v. 27 Cans * * * of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15016. I. S. No. 6624-t. S. No. E-3403.)

On July 7, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 27 cans of olive oil, remaining unsold at Paterson, N. J., alleging that the article had been shipped by the Lyriotakis Bros., New York, N. Y., on or about April 28, 1921, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act,

as amended. The article was labeled in part: "Net Contents $\frac{1}{4}$ Gallon * * * Pure Olive Oil Olio D'Oliiva Puro Vittoria Brand * * * Lyriotakis Bros., Importers & Packers New York * * *."

Misbranding of the article was alleged in the libel for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated thereon was greater than the actual contents of the package.

On January 19, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10187. Adulteration of canned cherries. U. S. * * * v. 129 Cases * * * of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15077. I. S. No. 538-t. S. No. C-3083.)

On June 23, 1921, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 129 cases of canned cherries, remaining unsold in the original cases at Steubenville, Ohio, consigned by the South Haven Preserving Co., Gobleville, Mich., August 9, 1919, alleging that the article had been shipped from Gobleville, Mich., and transported from the State of Michigan into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "South Haven Brand Pitted Cherries * * * South Haven Preserving Co., Factories: South Haven & Gobleville, Mich."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On December 10, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10188. Misbranding of crab meat. U. S. * * * v. Washington L. Tull and W. Edwin Riggan (W. L. Tull & Bro.). Pleas of nolo contendere. Fine, \$10 and costs. (F. & D. No. 15429. I. S. No. 6661-t.)

On November 28, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Washington L. Tull and W. Edwin Riggan, trading as W. L. Tull & Bro., Crisfield, Md., alleging shipment by said defendants, on or about May 25, 1921, in violation of the Food and Drugs Act, as amended, from the State of Maryland into the State of New York, of a quantity of crab meat which was misbranded.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents 5 Lbs. Net," borne on the cans containing the article, regarding the article, was false and misleading in that it represented that each of the said cans contained 5 pounds net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 5 pounds net of the article, whereas, in truth and in fact, each of the said cans did not contain 5 pounds net of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 28, 1921, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10189. Adulteration of coriander seed. U. S. * * * v. 4 Sacks * * * of Coriander Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15688. I. S. No. 1239-t. S. No. C-3343.)

On December 2, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 sacks of coriander seed, remaining unsold in the original

unbroken packages at St. Louis, Mo., alleging that the article had been shipped from Indianapolis, Ind., on or about November 15, 1921, and transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "From Steinwender Stoffregen Coffee Co."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in large part of a filthy and decomposed vegetable substance.

On January 3, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10190. Adulteration and misbranding of olive oil. U. S. * * * v. 2 Cases of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 8904. I. S. Nos. 2676-p, 2677-p, 2678-p. S. No. E-1003.)

On March 25, 1918, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cases of olive oil, remaining unsold in the original unbroken packages at Providence, R. I., consigned by R. Emilo & M. Campolieti, New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about January 30, 1918, and transported from the State of New York into the State of Rhode Island, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. One case of the article was labeled in part, (can) "Olio Puro D'Olive Lucca Italy Net Contents Full Quarter Gallon Olio Puro D'Olive Garantito Produzione Propria." The remaining case of the article was labeled in part, (can) "Finest Quality Olive Oil Extra Pure Termini Imerese Sicilia-Italia $\frac{1}{4}$ Gallon Net Guaranteed Absolutely Pure."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for olive oil.

Misbranding was alleged in substance for the reason that the above-quoted statements "Olive Oil" and "Olio Puro D'Olive," respectively, were false and misleading and deceived and misled the purchaser; for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil; for the further reason that the said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count; and for the further reason that the said article purported to be a foreign product, when in fact it was a product of domestic manufacture, packed in the United States.

On March 31, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled to show the same to be cottonseed oil and the quantity of the contents of each can to be 1 pint, 13 fluid ounces, and that it be sold by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10191. Adulteration and misbranding of evaporated milk. U. S. * * * v. Van Camp Packing Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 9243. I. S. No. 3720-m.)

On December 9, 1918, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Van Camp Packing Co., a corporation, having a place of business at Adrian, Mich., alleging shipment by said company, under the name of the Van Camp Products Co., in violation of the Food and Drugs Act, on or about June 23, 1916, from the State of Michigan into the State of Massachusetts, of a quantity of evaporated milk which was adulterated and misbranded. The article was labeled in part: "Van Camp's Sterilized Evaporated Milk * * * The Van Camp Packing Co. Indianapolis, Ind."

Adulteration of the article was alleged in the information for the reason that an insufficiently condensed milk product, low in fat, had been substituted in whole or in part for evaporated milk, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Evaporated Milk," borne on the labels attached to the cans containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article was evaporated milk, and for the further reason that the article was labeled as aforesaid so as to mislead and deceive the purchaser into the belief that it was evaporated milk, whereas, in truth and in fact, it was not evaporated milk but was an insufficiently condensed milk product, low in fat.

On September 14, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10192. Adulteration and misbranding of olive oil. U. S. * * * v. 3 Cases of Alleged Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9471. I. S. Nos. 14781-r, 14782-r. S. No. E-1168.)

On November 27, 1918, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cases, each containing 40 quart cans, and one case containing 20 half-gallon cans, of alleged olive oil, at Paterson, N. J., alleging that the article had been shipped by G. P. Papadopoulos, New York, N. Y., on or about October 8, 1918, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, (cans) "Olio IL Toscano Brand Lucca-Style * * *."

Adulteration of the article was alleged in substance in the libel for the reason that cottonseed oil had been mixed and packed with the article, thereby reducing and lowering its strength and injuriously affecting its quality, and had been substituted almost wholly for olive oil, which the said article purported to be.

Misbranding was alleged in substance for the reason that the design appearing on the said cans and the above-quoted statement appearing on the label in Italian, not sufficiently corrected by the statement in inconspicuous type, "Cotton Seed Salad Oil Slightly Flavored with Olive Oil," were false and misleading in that they conveyed the impression that the said article was an Italian olive oil, whereas, in truth and in fact, it was not an Italian olive oil, but was an oil consisting almost wholly of cottonseed oil. Misbranding was alleged for the further reason that the said statement borne on the labels, together with the statements "Net Contents One Quart" and "Net Contents Full Half Gallon," respectively, deceived and misled the purchaser into the belief that the article was a product manufactured in Italy and that the containers had therein one full quart or one full half-gallon, as the case might be, of the said article, whereas, in truth and in fact, the article was a product of domestic manufacture, made in the United States, and the said containers did not hold one full quart and one full half-gallon, respectively. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, pure olive oil, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 19, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10193. Misbranding of oil. U. S. * * * v. 22 ½-Gallon Cans and 36 ¼-Gallon Cans of St. Bertolino Brand Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10463. I. S. No. 13591-r. S. No. E-1463.)

On May 31, 1919, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 22 ½-gallon cans and 36 ¼-gallon cans of St. Bertolino Brand oil, at Newark, N. J., alleging that the article had been shipped by Ravazula Bros., New York, N. Y., on or about May 7, 1919, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled

in part, respectively, "Oil Superior Quality St. Bertolino Brand * * * Packed by Ravazula Brothers, N. Y., * * * Net Contents $\frac{1}{2}$ Gal." or "Net Contents $\frac{1}{4}$ Gal."

Misbranding of the article was alleged in substance in the libel for the reason that the statement "Oil Superior Quality," together with the pictorial representation of a peasant girl in foreign costume picking olives from an olive branch, and the statements "Net Contents $\frac{1}{2}$ Gal." or "Net Contents $\frac{1}{4}$ Gal.," as the case might be, were false and misleading in that the said statements and design led the purchaser to believe that the article was Italian olive oil and that the said cans contained one full half-gallon or one full quarter-gallon, as the case might be, of the said article, and for the further reason that said statements and design deceived and misled the purchaser into the belief that the said article was an Italian oil and that it was a product manufactured in Italy, whereas, in truth and in fact, the said article was a cottonseed salad oil slightly flavored with pure olive oil, was not an Italian olive oil but was a product of domestic manufacture made in the United States, and the said cans did not hold one full half-gallon or one full quarter-gallon, respectively. Misbranding was alleged for the further reason that the article was food in package form, and the exact quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 11, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10194. Misbranding of Milks emulsion. U. S. * * * v. 66 Bottles of * * * Milks Emulsion. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11252. I. S. No. 2781-r. S. No. W-492.)

On September 19, 1919, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 66 bottles of Milks emulsion, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Milks Emulsion Co., Terre Haute, Ind., July 19, 1919, and transported from the State of Indiana into the State of Oregon, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Milks Emulsion * * * A Valuable Remedy For Dyspepsia, Indigestion, Catarrh Of Stomach And Bowels, * * * Bronchial Asthma, Catarrhal Croup, Bronchitis * * * Especially Beneficial In Incipient Consumption * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of about 95 per cent of petrolatum with small amounts of sirup and glycerin, flavored with essential oils such as lemon oil and methyl salicylate.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing upon each of the said bottles, regarding the curative and therapeutic effects of the said article, were false and fraudulent in that the article contained no ingredients or combination of ingredients capable of producing the curative and remedial therapeutic effects claimed. Misbranding was alleged for the further reason that a booklet accompanying the article contained among others the following statement, to wit, "Milks Emulsion contains a great amount of fat," which statement was false and fraudulent [misleading] in that the said article contained no fat.

On November 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10195. Misbranding of G-U-C capsules. U. S. * * * v. 5 Dozen Bottles of G-U-C Capsules * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11500. I. S. No. 15934-r. S. No. E-1835.)

On October 30, 1919, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 dozen bottles of G-U-C capsules, at Atlantic City, N. J., alleging that

the article had been shipped by the Hollander-Koshland Co., Baltimore, Md., on or about August 27, 1919, and transported from the State of Maryland into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the capsules contained turpentine, santal oil, cassia oil, and copaiba.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements borne on the labels of the bottles containing the article and in the circular accompanying the same were false and fraudulent in that they misled and deceived the purchaser into the belief that the said article could be successfully used in the treatment and cure of gonorrhea, gleet, and disorders of a similar nature and origin, whereas, in truth and in fact, the said article would not produce the curative and therapeutic effects as claimed on the said labels and circulars.

On January 19, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10196. Adulteration and misbranding of canned kidney beans. U. S. * * * v. 76 Cases * * * of Red Kidney Beans, et al. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 12089, 12090, 12264. I. S. Nos. 8563-r, 8569-r, 8584-r. S. Nos. C-1735, C-1736, C-1826.)

On or about February 26 and 27 and March 6, 1920, respectively, the United States attorney for the Southern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 130 cases of red kidney beans and 29 cases of kidney beans, remaining in the original unbroken packages at Quincy, Decatur, and Peoria, Ill., respectively, alleging that the article had been shipped by the Morgan Packing Co., Austin, Ind., on or about August 16 and 23 and October 27, 1919, and transported from the State of Indiana into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, respectively: "American Beauty Red Red Kidney Beans"; "Scott Co. Brand Red Kidney Beans * * * Austin Canning Co. Austin, Ind."; and "Good Hope Brand Kidney Beans * * *".

Adulteration of the article was alleged in substance in the libels for the reason that long cranberry beans or navy beans, as the case might be, had been mixed and packed with, and substituted wholly or in part for, the said article.

Misbranding was alleged in substance for the reason that the above-quoted statements appearing in the labels were false and misleading and deceived and misled the purchaser when applied to a product containing long cranberry beans or navy beans. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On February 17, 1922, the Morgan Packing Co., Austin, Ind., claimant, having confessed the allegations of the libels to be true and the court having determined that the proper label for the said product should be "Red Beans" in lieu of the words "Red Kidney Beans" or "Kidney Beans," as the case might be, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act, conditioned in part that the said product be labeled as aforesaid.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10197. Adulteration of canned salmon. U. S. * * * v. 153 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12894. I. S. No. 6548-r. S. No. C-2059.)

On July 27, 1920, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel for the seizure and condemnation of 153 cases of canned salmon, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Southern Alaska Canning Co., Tacoma, Wash., on or

about February 21, 1920, and transported from the State of Washington into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Alaska Pink Salmon. Packed by Southern Alaska Canning Co., Seattle, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On December 7, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10198. Misbranding of Dr. Burkhart's vegetable compound. U. S. * * * v. 204 Bottles of Dr. Burkhart's Vegetable Compound * * *, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13061, 13062. I. S. Nos. 3401-t, 3402-t, 3403-t, 3452-t, 3453-t, 3454-t. S. Nos. C-2044, C-2045.)

On July 22 and 26, 1920, respectively, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 24 bottles, dollar size, 72 bottles, 50-cent size, and 216 bottles, 25-cent size; of Dr. Burkhart's vegetable compound, remaining in the original unbroken packages at Minneapolis and St. Paul, Minn., respectively, alleging that the article had been shipped by Dr. W. S. Burkhart, Cincinnati, Ohio, on or about April 30 and May 17, 1920, respectively, and transported from the State of Ohio into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of aloes, capsicum, and podophyllum.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements regarding the curative and therapeutic effect of the said article, (carton, 25- and 50-cent sizes) " * * * Recommended for Kidney and Liver Disease, Fever and Ague, Rheumatism, Sick and Nervous Headache, Erysipelas, Scrofula, Female Complaints, Catarrh, Indigestion, Neuralgia, Nervous Affection, Dyspepsia, * * * and all Syphilitic Diseases," (carton, dollar size) " * * * Recommended for Blood Diseases, such as Rheumatism, Kidney and Liver Diseases, Fever and Ague, Sick and Nervous Headache, Erysipelas, Scrofula, Female Complaints, Catarrh, * * * Indigestion, Neuralgia, Nervous Affection, Dyspepsia * * *" were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 20 and December 15, 1921, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10199. Adulteration and misbranding of Wood's special concentrated sweetener. U. S. * * * v. 24 Ounces of Wood's Special Concentrated Sweetener. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13224, 13225. I. S. Nos. 9130-t, 9131-t. S. Nos. E-2482, E-2483.)

On August 17, 1920, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 ounces of Wood's special concentrated sweetener, remaining unsold in the original packages at Bainbridge, Ga., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about July 1, 1920, and transported from the State of Missouri into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Wood's Special Concentrated Sweetener * * * W. B. Wood Mfg. Co., St. Louis, Mo."

Adulteration of the article was alleged in substance in the libel for the reason that starch and a product having no food value and being deleterious to health, namely, saccharin, had been mixed and packed therewith so as to reduce and lower and injuriously affect the quality and strength of the sugar, and had been substituted wholly or in part for sugar. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, saccharin, which might render it injurious to health.

Misbranding was alleged in substance for the reason that the statement on the label "Special Concentrated Sweetener 500," was false and misleading and deceived and misled the purchaser by representing the article to be five hundred times sweeter than sugar, when it was not. Misbranding was alleged for the further reason that the article was an imitation of, and offered for sale under the distinctive name of, another article.

On June 21, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10200. Misbranding of Madame Dean female pills, special. U. S. * * *
v. 6 Packages of * * * Madame Dean Female Pills, Special.
Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 13289. I. S. No. 7578-t. S. No. E-2681.)**

On September 2, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 packages of Madame Dean female pills, special, at Camden, N. J., alleging that the article had been shipped by Martin Rudy, Lancaster, Pa., on or about May 4, 1920, and transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box and wrapper) " * * * Female Pills * * * give relief in Female Disorders of the menstrual functions. * * * for Painful, Irregular and Scanty Menstruation "; (booklet) " * * * irregular, prolonged, or suppressed menstruation. * * * Female Pills afford relief for these ailments. * * * a remedy intended solely for the relief of Amenorrhoea, Dysmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system, * * * especially valuable in the functional changes * * * of the menopause or change of life. * * * act on the circulatory system of the uterus, thereby relieving painful, irregular and scanty menstruation, and assist in re-establishing or restoring, the menstrual or monthly periods. * * * strengthen and build up the uterine function * * * "; (circular) " * * * a great relief against those general complaints the Female Sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel, * * * for irregular, painful, scanty or suppressed menstruations, * * * should be taken * * * to assist nature with * * * disorders * * * during the change of life period. * * * Continue with the treatment until they give relief. * * * great relief from Pains or Headache; * * * for suppressed Menstruation, * * * continue their use until relieved * * * take * * * until the menstrual flow commences again."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained quinine, aloes, iron sulphate, senecio flowers and herb, ginger, and cornstarch.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent, as the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 11, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

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Cherries, canned:		Van Camp Packing Co---	10191
South Haven Preserving		Van Camp Products Co---	10191
Co-----	10187	Milks emulsion:	
Coal-tar color. See Color.		Milks Emulsion Co-----	10194
Cocoa:		Mineral water. See Water.	
National Cocoa Mills-----	10155, 10156, 10158	Nerve pills:	
beans:		Chase, Dr. A. W., Medicine	
Israel, Leon, & Bros-----	10159	Co-----	10151
Color, coal-tar:		Oil, olive:	
Wood, W. B., Mfg. Co-----	10185	Emilo, R., & Campolieti,	
Concentrated sweetener. See Sweet-		M-----	10190
ener.		Lyriotakis Bros-----	10186
Copaiba and cubeb capsules:		Old Monk Olive Oil Co-----	10169
Planten, H., & Son-----	10171	Papadopoulos, G. P-----	10192
Coriander seed:		Poleti, Coda & Rebecchi--	10181
Steinwender Stoffregen Cof-		Ravazula Bros-----	10193
fee Co-----	10189	Ventoura & Begani-----	10181
Cottonseed cake. See Feed.		Olive oil. See Oil.	
Crab meat:		Peaches:	
Tull, W. L., & Bro-----	10188	Georgia Mountain Orch-	
Crab Orchard mineral water:		ards-----	10157
Goodwin, L. H., & Co-----	*10172	Peanut meal. See Feed.	
Dean, Madame, female pills:		Planten's capsules:	
Rudy, Martin-----	10152, 10200	Planten, H., & Son-----	10171
Eggs, frozen:		Prescription 1000:	
Swift & Co-----	10168	Reese Chemical Co-----	10170
Euca-Mul:		Saccharin, soluble:	
Binz, Edw. G., Co-----	10184	Wood, W. B., Mfg. Co-----	10160
Evaporated apples. See Apple chop.		Salmon. See Fish.	
milk. See Milk.		Sanger's, Dr., capsules:	
Feed, cottonseed cake:		Moore, Edw. J., Sons-----	10161
Kaufman Cotton Oil Co---	10180	Sardines. See Fish.	
peanut meal:		Strawberry beverage:	
Camilla Cotton Oil & Ferti-		American Fruit Products	
lizer Co-----	10174	Co-----	10175
tankage:		Sweetener, concentrated:	
Schalker Packing Co-----	10166	Wood, W. B., Mfg. Co---	10199
Female pills:		Tankage. See Feed.	
Rudy, Martin-----	10152, 10200	Tomato catsup:	
Fish, salmon:		Harvard Vineyards-----	10177
Southern Alaska Canning		Naboth Vineyards-----	10177
Co-----	10197	Tomatoes, canned:	
sardines:		Wright, W. M., & Son----	10163
Montagnino & Scaduto----	10179	Burkhart, Dr. W. S-----	10198
Frozen eggs. See Eggs.		Water, healing:	
Germine, Lung:		Capon Springs Co-----	10167
Lung Germine Co-----	10165	mineral:	
Grape beverage:		Capon Springs Co-----	10167
American Fruit Products		Goodwin, L. H., & Co-----	*10172
Co-----	10175, 10176	Wendell's pills:	
		Wendell Pharmacal Co---	10163

United States Department of Agriculture,

BUREAU OF CHEMISTRY.

W. G. CAMPBELL, Acting Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS. SUPPLEMENT.

N. J. 10201-10250.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 6, 1922.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

10201. Misbranding of Madame Dean female pills. U. S. * * * v. 72 Packages * * * and 28 Packages * * * of * * * Madame Dean Female Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13475. I. S. Nos. 9124-t, 9125-t. S. No. E-2546.)

On October 1, 1920, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 72 packages (ordinary) and 28 packages (special) of Madame Dean female pills, remaining unsold in the original packages at Macon, Ga., alleging that the article had been shipped by Martin Rudy, Lancaster, Pa., on or about May 21, 1920 [1919], and transported from the State of Pennsylvania into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box label and wrapper) “* * * Female Pills * * * give relief in Female Disorders of the menstrual functions. * * * for Painful, Irregular and Scanty Menstruation * * *”; (booklet) “* * * irregular, prolonged, or suppressed menstruation. * * * Female Pills afford relief for these ailments. * * * a remedy intended solely for the relief of Amenorrhoea, Dysmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system, * * * especially valuable in the functional changes * * * of the menopause or change of life. * * * act on the circulatory system of the uterus, thereby relieving painful, irregular and scanty menstruation, and assist in re-establishing or restoring, the menstrual or monthly periods. * * * strengthen and build up the uterine function * * *”; (circular) “* * * a great relief against those general complaints the Female Sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel, * * * for irregular, painful, scanty or suppressed menstruations, * * * should be taken * * *. to assist nature with * * * disorders * * * during the change of life period. * * * Continue with the treatment until they give relief. * * * great relief from Pains or Headache; * * * for suppressed Menstruation, * * * continue their use until relieved * * * take * * * until the menstrual flow commences again. * * * Special Strength * * * should relieve the most obstinate cases * * *.”

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the ordinary strength pills contained quinine, aloes, iron sulphate, hydrastis, ginger, and cornstarch and that the special strength pills contained quinine, aloes, iron sulphate, senecio flowers and herb, ginger, and cornstarch.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing on the box label and wrapper and in the booklet and circular accompanying the said article were

false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed therein.

On November 5, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10202. Misbranding of Madame Dean female pills. U. S. * * * v. 7 Packages Drugs, Madame Dean's. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13582. I. S. No. 3461-t. S. No. C-2395.)

On August 25, 1920, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 packages of drugs labeled in part, "Madame Dean Female Pills," remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by Martin Rudy, Lancaster, Pa., on or about May 4, 1920, and transported from the State of Pennsylvania into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained quinine, aloes, iron sulphate, hydragris, ginger, and cornstarch.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effect thereof, (box label and wrapper) " * * * Female Pills * * * give relief in Female Disorders of the menstrual functions. * * * for Painful Irregular and Scanty Menstruation * * *," (booklet) " * * * irregular, prolonged, or suppressed menstruation. * * * Female Pills afford relief for these ailments. * * * a remedy intended solely for the relief of Amenorrhoea. Dysmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system, * * * especially valuable in the functional changes * * * of the menopause or change of life. * * * act on the circulatory system of the uterus, thereby relieving painful, irregular and scanty menstruation, and assist in re-establishing or restoring, the menstrual or monthly periods. * * * strengthen and build up the uterine function * * *," (circular) " * * * a great relief against those general complaints the Female Sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel, * * * for irregular, painful, scanty or suppressed menstruations, * * * should be taken * * * to assist nature with * * * disorders * * * during the change of life period. * * * Continue with the treatment until they give relief. * * * great relief from Pains or Headache; * * * for suppressed Menstruation * * * continue their use until relieved * * * take * * * until the menstrual flow commences again. * * * Special Strength * * * should relieve the most obstinate cases * * *," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 15, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10203. Misbranding of Hooper's female pills. U. S. * * * v. 5 Packages of Drugs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13622. I. S. No. 7479-t. S. No. E-2708.)

On September 9, 1920, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 packages of drugs, labeled in part "Hooper's Female Pills" (Green Seal), remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the Horace B. Taylor Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of New York, and was received at Brooklyn on or about May 7 and August 7, 1920, respectively, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of aloes and ferrous sulphate.

Misbranding of the article was alleged in substance in the libel for the reason that the labeling thereof contained the following statements regarding the curative and therapeutic effects of the said article, (circular and wrapper) " * * * Female Pills * * * a safe and sovereign remedy in female complaints, * * * an Emmenagogue in producing Menstruation. * * * for the removal of Irregularities. * * * are used * * * (except in cases of pregnancy) * * *," (additional statements in wrapper) " * * * opening obstructions of the vessels * * * cure of disorders peculiarly incident to the Female Sex, * * * remedy against those general complaints the Female Sex are subject to; * * * cleanse, purify, and cause a free circulation of the blood, * * * open those obstructions which Virgins are liable to, * * * best * * * for * * * the irregularities * * * for the palpitation of the heart, giddiness, loathing of food, bad digestion, pains of the stomach, heating of the arteries of the neck, short breath * * * scurvy * * * should be taken by all women at age of forty-five * * * to prevent those disorders that usually attend them at that time. * * * sovereign remedy * * * in all hypochondriac, hysterick, or vapourish disorders, * * * strengthen the nerves, * * * for * * * obstruction of * * * courses, * * * continue their use until the end is answered * * *," which statements were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 7, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10204. Misbranding of Hooper's female pills. U. S. * * * v. 24 Packages of Hooper's Female Pills (Green Seal). Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13648. I. S. No. 7505-t. S. No. E-2733.)

On September 9, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 packages of Hooper's female pills (Green Seal), at Jersey City, N. J., alleging that the article had been shipped by the Horace B. Taylor Co., Philadelphia, Pa., on or about June 17, 1920, and transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Wrapper) " * * * opening obstructions of the vessels * * * cure of disorders peculiarly incident to the Female Sex, * * * remedy against those general complaints the Female Sex are subject to; * * * cleanse, purify, and cause a free circulation of the blood, * * * open those obstructions which Virgins are liable to, * * * best * * * for * * * the irregularities * * * for the palpitation of the heart, giddiness, loathing of food, bad digestion, pains of the stomach, heating of the arteries of the neck, short breath * * * scurvy * * * should be taken by all women at the age of forty-five * * * to prevent those disorders that usually attend them at that time. * * * sovereign remedy * * * in all hypochondriac, hysterick, or vapourish disorders, * * * strengthen the nerves, * * * for * * * obstruction of * * * courses, * * * continue their use until the end is answered * * *"; (circular) " * * * Female Pills * * * a safe and sovereign remedy in female complaints, * * * an Emmenagogue in producing menstruation. * * * for the removal of Irregularities. * * * are used * * * (except in cases of Pregnancy) * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of aloes and ferrous sulphate.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 11, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10205. Adulteration and misbranding of oil. U. S. * * * v. 25 Cans of Olio La Viva Italia Brand Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13682, I. S. No. 6336-t, S. No. E-2749.)

On September 27, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cans of Olio La Viva Italia Brand oil, at Paterson, N. J., alleging that the article had been shipped by Poletti, Coda & Rebecchi, New York, (N. Y.), on or about August 3, 1920, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that soya bean [oil] had been mixed and packed with, and substituted wholly or in part for, the said article.

Misbranding was alleged in substance for the reason that the package containing the article bore the statements, designs, or devices regarding the said article or the ingredients or substances contained therein, to wit, "Olio La Viva Italia Brand * * * Superior in Quality, Purity, Economy & Flavor To Olive Oil * * * Fine Edible Salad Oil Blended With Pure Olive Oil * * * Net Contents 1 Gallon * * * La Viva Italia Brand Oil For Salad Mayonnaise Cooking Frying Olio La Viva Italia Brand Garatito Puro Eccellente Da Tavola," which were false and misleading and deceived and misled the purchaser.

On July 11, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10206. Misbranding of Parry's vegetable compound. U. S. * * * v. 20 Bottles of * * * Parry's Vegetable Compound No. 2, et al. Decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 13773, 13774, I. S. Nos. 8629-t to 8638-t, inclusive, S. Nos. E-2820 to E-2829, inclusive.)

On or about October 30, 1920, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of certain bottles of Parry's vegetable compound, namely, 7 bottles No. 1, 50 bottles No. 2, 16 bottles No. 3, 11 bottles No. 4, 13 bottles No. 6, 5 bottles No. 9, 11 bottles No. 10, 11 bottles No. 11, and 6 bottles No. 12, remaining unsold in the original unbroken packages at Morgantown and Clarksburg, W. Va., respectively, alleging that the articles had been shipped by the Parry Medicine Co., Inc., Pittsburgh, Pa., on or about August 12 and 24 and September 15 and 28, 1920, respectively, and transported from the State of Pennsylvania into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they consisted of olive oil, alcohol, and water, flavored with various essential oils.

Misbranding of the articles was alleged in substance in the libels for the reason that the labels thereof contained the following statements, respectively, regarding the curative and therapeutic effects of the said articles, "Parry's Vegetable Compound No. 1 * * * Cancer * * * For Tuberculosis, Lungs, Bones or Flesh, Gallstones or Tapeworm * * *," " * * * No. 2 * * * Cancer * * * For Cancer, Catarrh, Head Noises, Tumors, Adenoids, Hemorrhoids, Piles, Appendicitis, Asthma, Goiter, Typhoid and all other Fevers * * *," " * * * No. 3 * * * Cancer * * * For Bright's Disease, Bladder, Kidneys, Influenza and for Weak Women * * *," " * * * No. 4 * * * Cancer * * * For Stomach, Bowel Trouble, Black Plague and Leprosy * * *," " * * * No. 6 * * * Cancer * * * For Eczema, Pimples, Skin Disease, Scalds, Burns, and Smallpox * * *," " * * * No. 9 * * * Cancer * * * For Insanity, Fits, Paralysis, Meningitis, Mad Dog and Snake Bite * * *," " * * * No. 10 * * * Cancer * * * For Heart, Kidneys, Nose and Throat * * *," " * * * No. 11 * * * Cancer * * * For Nervous Troubles, Rheumatism and Saint Vitis Dance * * *," " * * * No. 12 * * * Cancer * * * For Nerves, Gall Stones, Curvature of Spine and Deformity * * *," which statements were false and fraudulent in that the said articles contained no drugs and no sub-

stances or ingredients and no combination of ingredients capable of producing the effects claimed.

On May 6, 1921, the Parry Medicine Co., Pittsburgh, Pa., having entered an appearance as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$400, in conformity with section 10 of the act, conditioned in part that the products be not sold or disposed of until they had been relabeled in a manner satisfactory to this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10207. Adulteration and misbranding of sparkling Burgundy. U. S. * * * v. 16 Bottles of Sparkling Burgundy * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13785. I. S. Nos. 7828-t, 7829-t. S. No. E-2797.)

On February 1, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 bottles of sparkling Burgundy, remaining unsold at Newark, N. J., alleging that the article had been shipped by Miles Gilman, Philadelphia, Pa., on or about September 8, 1920, and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that a substance, to wit, an artificially carbonated mixture containing a small amount of alcohol, traces of sucrose and tartaric acid, but no glycerol (a substance always present in Burgundy or any wine), had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for nonalcoholic Burgundy, which the said article purported to be; and for the further reason that an artificially carbonated mixture containing a small amount of alcohol, traces of sucrose and tartaric acid, but no glycerol, had been mixed with the said article in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements labeled on the said bottles, regarding the article and the ingredients contained therein, to wit, (quart and pint bottles) "H. G. Mumm & Co. Sparkling Burgundy Non-alcoholic P. J. De Centau, Bordeaux, France, H. G. Mumm & Co., New York and Chicago," were false and misleading in that the said labeling constituted a design and device which was false and misleading and deceived and misled the purchaser into the belief that the article was a product put up by the firm of H. G. Mumm & Co., that it was a foreign product, and that it was non-alcoholic, whereas, in truth and in fact, the said article was manufactured by the Vin Aora Corp. of New York City for H. G. Mumm & Co., a party by the name of Mumm having permitted the use of the name of H. G. Mumm & Co., and the said article contained a small amount of alcohol. Misbranding was alleged for the further reason that the article was a product composed of the above-named ingredients, prepared in imitation of Burgundy wine and offered for sale under the distinctive name of another article, to wit, H. G. Mumm & Co. Sparkling Burgundy. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly, correctly, and conspicuously marked on the outside of the package.

On January 19, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10208. Adulteration of tomato catsup. U. S. * * * v. 75 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13838. I. S. No. 5224-t. S. No. E-2856.)

On November 2, 1920, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 cases of tomato catsup, remaining in the original packages at Springfield, Mass., consigned by the Ellis Canning Co., Angola, N. Y., on or about September 21, 1920, alleging that the article had been shipped from Angola, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs

Act. The article was labeled in part: (Cans) " * * * Success Tomato Catsup Packed By The Ellis Canning Co. Angola, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On January 20, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10209. Misbranding of Mando tablets. U. S. * * * v. 3 Boxes of Mando Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13846. I. S. No. 6337-t. S. No. E-2859.)

On November 31, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 boxes of Mando tablets, at Newark, N. J., alleging that the article had been shipped by Gracey's Drug Store, Philadelphia, Pa., on or about August 30, 1920, and transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) " * * * Recommended for Nervous Debility, Lost Vitality, Varicocele, Seminal Weakness, etc. * * * A continued use will produce most satisfactory results * * *"; (carton) " * * * Recommended for Nervous Debility, Lost Vitality, Varicocele, Seminal Weakness, etc. In Man or Woman * * * Succeed where other remedies fail. Restore lost vigor to Men and Women, Young and Old Alike * * *"; (circular) " * * * For Long Standing Cases of Lost Vitality, Nervous Diseases, we recommend Mando Tablets. * * * For Lost Vitality * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained extracts of nux vomica and damiana.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since the article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On January 19, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10210. Misbranding of Hall's catarrh medicine. U. S. * * * v. 18 Dozen Bottles * * * of Hall's Catarrh Medicine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14025. I. S. No. 1993-t. S. No. C-2613.)

On December 17, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and thereafter an amended libel, for the seizure and condemnation of 18 dozen bottles of Hall's catarrh medicine, at Chicago, Ill., alleging that the article had been shipped by F. J. Cheney & Co., Toledo, Ohio, November 12, 1920, and transported from the State of Ohio into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of potassium iodid 6.5 per cent, extracts of gentian and cardamom, a trace of arsenic, sugar 2.3 per cent, alcohol by volume 11.5 per cent, and water approximately 80 per cent.

Misbranding of the article was alleged in substance in the libel, as amended, for the reason that the following statements regarding the curative and therapeutic effect thereof, appearing in the booklet inclosed in the cartons containing the said article, to wit, "Hall's Catarrh Medicine For Catarrh of the Nasal Cavity, Catarrh of the Ear, Throat, Stomach, Bowels or Bladder. * * * a Blood Purifier * * * Catarrh * * * nose, throat, ear passages, stomach, bowels, bladder, uterus, vagina, rectum, etc. * * *," were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that the said article was composed of or

contained ingredients or medicinal agents effective as a remedy for the various diseases, ailments, and afflictions mentioned in the said statements, whereas, in truth and in fact, it did not contain ingredients or combinations of ingredients effective as a remedy for the said diseases, ailments, and afflictions.

On November 14, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10211. Adulteration and misbranding of vinegar. U. S. * * * v. 10 Barrels of Cider Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14081. I. S. No. 6279-t. S. No. E-2971.)

On February 7, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 barrels of cider vinegar, remaining in the original unbroken packages at Elizabeth, N. J., alleging that the article had been shipped by the Powell Corp., Canandaigua, N. Y., on or about June 14, 1920, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, apple waste vinegar and added ash material, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for pure cider vinegar, which the said article purported to be.

Misbranding was alleged for the reason that certain statements labeled on the said barrels, regarding the article and the ingredients contained therein, to wit, "Pure Cider Vinegar, Made from Apples Reduced to 4%—Net Contents 44, 45, 45, 47 gals (Lot 162) Made by the Powell Corp., Canandaigua, N. Y.," were false and misleading in that the said statements represented to the purchaser that the article was pure cider vinegar, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it was pure cider vinegar, whereas, in truth and in fact, it was not pure cider vinegar, but was a product composed of waste apple vinegar and added ash material. Misbranding was alleged for the further reason that the article was a product composed of waste apple vinegar, prepared in imitation of, and offered for sale under the distinctive name of, another article, to wit, pure cider vinegar.

On January 19, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10212. Misbranding of Pep-Tonic. U. S. * * * v. 8 Bottles, 8 Bottles, and 5 Cases of Pep-Tonic. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14195, 14196, 14197. I. S. Nos. 3446-t, 3449-t, 3450-t. S. Nos. C-2687, C-2688, C-2689.)

On January 14 and 15, 1921, respectively, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 16 bottles and 5 cases of Pep-Tonic, remaining unsold in the original unbroken packages at Sioux Falls, White Lake, and Freeman, S. D., respectively, alleging that the article had been shipped by the Puritan Products Co., Inc., Clinton, Ill. on or about August 7 and 20, 1920, respectively, and transported from the State of Illinois into the State of South Dakota, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Hog Life Insurance Pep-Tonic A Medicine For The Prevention Of Cholera, Also Stomach And Intestinal Worms In Swine * * * We will refund your money if Pep-Tonic fails to prevent cholera, also stomach or intestinal worms in swine, when used strictly as per directions * * * Use Pep-Tonic The First Two Weeks * * * To Remove The Worms * * * If the hogs have worms they will begin to come out by the end of the first week, but keep up the treatment for another week, then give as directed for prevention, * * * After you have given Pep-Tonic for two weeks, as above stated, give it three times each week, as a

* * * prevention * * *"; (carton) " * * * A Medicine For Prevention Of Cholera Also for Prevention And Expulsion Of Stomach And Intestinal Worms In Swine. * * * We will refund your money if Pep-Tonic fails to prevent cholera; also stomach or intestinal worms in swine, when used strictly as per directions; * * * Pep-Tonic * * * keeps them well. Feeding a sick or wormy hog means loss you can avoid. * * * Hog Cholera * * * Get rid of the worms. Pep-Tonic will do it. * * * It is a worm and cholera medicine. It prevents the big losses caused by cholera and worms, * * * You don't have to feed wormy hogs, Pep-Tonic will rid your hogs of them. Its use will keep hogs of any size, age, sex or condition in perfect health. Pep-Tonic does the work every time. No question about it and no question about results * * *"; (circular) " * * * Peptonic As A Cure And Prevention Of Hog Cholera And As An Expeller And Prevention Of Stomach And Intestinal Worms In Swine * * * Why grow * * * wormy, * * * hogs when it can be avoided. * * * Use the Guaranteed Medicine, indorsed by hundreds of successful growers of swine—the Medicine that has been tried, tested and found true. * * * Peptonic will kill and remove intestinal worms in swine within one week * * * It is used to prevent Cholera and for the expulsion and prevention of stomach and intestinal worms, * * * This wonderful medicine will rid your hogs of worms. It is a proven fact; * * * This medicine does the work where other so-called remedies fail. Peptonic * * * worm and cholera medicine. Its use will keep hogs of any size, aged, sex or condition free from worms and healthy. It prevents the big losses caused by cholera and worms * * * There is no guess work about it and no question about results. Use this medicine and you will rid your hogs of worms * * *."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted of approximately 76 per cent of salt, 7 per cent of potassium permanganate, 9 per cent of potassium bichromate, and a small amount of starch, in tablet form.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing on the bottle labels and cartons and in the accompanying circulars, regarding the curative and therapeutic effect of the said article, were false and fraudulent in that the said article and the ingredients and substances thereof were not capable of producing the effects claimed in the said statements.

On January 20, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10213. Misbranding of Wood's capsules and Hoffo-Kos special capsules improved. U. S. * * * v. 36 Packages * * * of Wood's Capsules and 30 Packages * * * of Hoffo-Kos Special Capsules Improved. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14282, 14291. Inv. Nos. 32435, 32437. S. Nos. E-3158, E-3159.)

On March 7, 1921, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 36 packages of Wood's capsules and 30 packages of Hoffo-Kos special capsules improved, remaining in the original unbroken packages at Newark and Hoboken, N. J., respectively, alleging that the articles had been shipped by the Grape Capsule Co., Allentown, Pa., on or about April 12, 1920, and February 10, 1921, respectively, and transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the articles was alleged in substance in the libels for the reason that certain statements appearing on the cartons containing the respective articles falsely and fraudulently represented them to be effective for gonorrhea, gleet, and all kidney and bladder troubles, when, in truth and in fact, the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed in said statements.

On January 19, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10214. Adulteration and misbranding of vinegar. U. S. * * * v. 4 Cases * * *, 7 Cases * * *, and 5 Cases * * * of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14401. I. S. Nos. 5829-t, 5830-t. S. No. E-3088.)

On February 5, 1921, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cases and 7 cases (16-ounce bottles) and 5 cases (20-ounce bottles) of vinegar, remaining in the original unbroken packages at Bradford, Pa., alleging that the article had been shipped by the Naas Cider & Vinegar Co., Cohocton, N. Y., on or about July 20, 1920, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Steuben Brand * * * Cider Vinegar * * * Reduced to 4% Acetic Acid * * * Naas Cider & Vinegar Co., Inc., Cohocton, N. Y."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar had been mixed and packed with, and substituted wholly or in part for, the article, and for the further reason that it was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statements, respectively, "Steuben Brand Reduced Cider Vinegar Fermented" and "Net Contents One Pint" or "Net Contents 20 Fl. Oz.," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 21, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10215. Misbranding of Egyptian regulator tea. U. S. * * * v. 2 Dozen Small, 1 Dozen Large, and 1 Dozen Medium Sized Packages of Egyptian Regulator Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14402. Inv. Nos. 26968, 26969. S. No. C-2779.)

On February 4, 1921, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 dozen small, 1 dozen large, and 1 dozen medium sized packages of Egyptian regulator tea, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Kells Co., Newburgh, N. Y., November 16 and December 22, 1920, respectively, and transported from the State of New York into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (White circular, all sizes) "Egyptian Regulator Tea * * * A Speedy * * * relief for * * * Dyspepsia, Liver Complaint, Sick Headache, Nervousness. * * * Nature's Own Gift To Dyspeptic, Debilitated Men, to Wornout, Nervous Women, to Mothers of Peevish and Sickly Children, to Girls Just Budding into Womanhood, to Sufferers from Defective Nutrition and Blood Diseases, to Corpulent People, whether Male or Female, Old or Young. * * * Rheumatism, Neuralgia, Sick Headache, Pains in all Parts of the Body, Running Sores, Pimples, Boils, Carbuncles and Skin Diseases. * * * Lung Trouble and Consumption, Premature Old Age, Lack of Youthful Energy, Beauty and Vigor, Sallow Complexion and Haggard, Careworn Look * * * Diabetes * * * Malaria * * * killing the Disease Germs. * * * Heart Troubles, Paralysis, Rheumatism, Gout * * * apoplexy * * *"; (blue wrapper, small and medium sizes) "Egyptian Regulator Tea A Remedy For * * * Dyspepsia, Sick Headache, and all disorders of the Stomach. Its daily use will Purify the Blood, Remove all Blotches from the Face, and Restore the Complexion. Ladies will find this a valuable remedy for all Female Complaints. Also for Liver and Kidney trouble * * *"; (blue wrapper, large size) "Egyptian Regulator Tea An Excellent Remedy for * * * Dyspepsia, * * * Rheumatism, Nervousness, Liver Complaints, Sick Headache, Also Corpulency, Etc. * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of compressed herbs, including senna, coriander, dog grass, licorice root, ginger, sambucus, cinnamon, and dandelion root.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the circulars and on the labels, regarding the curative and therapeutic effect thereof, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 15, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10216. Adulteration and misbranding of tomato catsup. U. S. * * * v. 96 Cases of Tomato Catsup, et al. Consent decrees of condemnation and forfeiture. Product released under bond for salvaging. (F. & D. Nos. 14215, 14429, 14430, 14463, 14464. I. S. Nos. 9246-t, 9247-t, 9260-t, 9261-t, 9262-t, 9263-t. S. Nos. E-3056, E-3117, E-3129.)

On February 1 and 21, 1921, respectively, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 809 cases of tomato catsup, remaining unsold in the original packages at Macon, Ga., alleging that the article had been shipped by the J. T. Polk Co., Mound City, Ill., on or about October 8, 1920, and transported from the State of Illinois into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part, "Polk's Best Catsup J. T. Polk Company General Sales Offices—Chicago, U. S. A." The remainder of the article was labeled in part, "Serv-us Brand Tomato Catsup * * *"

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged in substance for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 5, 1921, the J. T. Polk Co., Mound City, Ill., having consented to decrees, and the Nichols Canning Co., Chillicothe, Ohio, having entered an appearance as claimant for the property as successors to the J. T. Polk Co., judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said Nichols Canning Co., upon payment by them of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,600, in conformity with section 10 of the act, conditioned in part that the good portion thereof be segregated from the bad, under the supervision of this department, the bad portion to be destroyed and the good portion to be released, and that the said claimant be permitted to salvage the bottles, screw caps, boxes, and fillers.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10217. Misbranding of Haskin's Nervine. U. S. * * * v. 65 Cases of Haskin's Nervine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14491. Inv. No. 29407. S. No. E-3134.)

On February 25, 1921, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 65 cases of Haskin's Nervine, at Charleroi, Monongahela, and Belle Vernon, Pa., respectively, alleging that the article had been shipped by the Haskin Medicine Co., Binghamton, N. Y., on or about December 28 and 29, 1920, and January 3 and 24 and February 3 and 10, 1921, respectively, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a sweetened, flavored, and colored solution of Epsom salt.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the labeling of the said article, to wit, (bottle) " * * * Nervine The Great Nerve Tonic and Blood Purifier. * * * For Liver Complaint, Female Weakness, Nervous Affections, Rheumatism, Kidney Trouble, Dyspepsia, Indigestion, * * * Biliousness and

Catarrh * * * Nervous Diseases, Pains in the Heart and Shoulders, * * * Indigestion, Headache, Heartburn, Loss of Appetite, Dizziness, Numbness, Nausea, Fluttering of the Heart, Faintness, Rheumatism and Kidney Trouble. * * * Nervous Prostration and Female Complaints * * * It strengthens the Nerves, Purifies the Blood, Tones up the System, makes New, Rich Blood, Clear Skin, and Ensures Perfect Health * * *," together with the additional statements appearing in the labeling of a portion of the said article, to wit, (carton) " * * * Nervine. The Great Tonic, Nerve and Blood Purifier. * * * It Strengthens the Nerves, Purifies the Blood, Tones Up the System, Makes New, Rich Blood, Clear Skin, * * * The Great Nerve And Blood Tonic. * * * It acts upon the glandular system, increasing the functional activity of the body, it at once makes known its wonderful power of renovating and enriching the blood, and invigorates the whole system. As a remedy for diseases of the Stomach, Liver and Kidneys, Dyspepsia, Indigestion, Loss of Appetite, Sick Headache, Dizziness, Female Weakness, Nervous Prostration, Emaciation, General Debility, Rheumatism, Heart Trouble, Eruptions of the Skin, Pimples, Boils, Tumors, Scrofulous Affections, Cancerous Humors, Salt Rheum, Catarrh, Ringworm, Carbuncles, Ulcers and Sores, Syphilitic Affections, Malarial Poison, Pain in the Bones, or in fact any disease originating from an impure state or low condition of the blood and nerves, * * * While eradicating and dispelling the germs of disease, it at the same time builds up and invigorates, giving new life and energy to the whole system * * *," regarding the curative and therapeutic effects of the said article, were false and fraudulent in that it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 21, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10218. Adulteration and misbranding of tomato sauce and concentrated tomato. U. S. * * * v. 10 Cases of Tomato Sauce and 5 Cases of Concentrated Tomato. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14570. I. S. Nos. 5844-t, 4845-t. S. No. E-3153.)

On March 1, 1921, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases of tomato sauce and 5 cases of concentrated tomato, at Pittsburgh, Pa., alleging that the articles had been shipped by Thomas Page, Rochester, N. Y., on or about February 1, 1921, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: "Tripoli Brand Tomato Sauce Fabbrica Di Salse Alimentari Napoli Style * * * Packed By Thomas Page Albion, N. Y. * * *"; and "Mt. Etna Brand Concentrated Tomato * * * Packed By Thomas Page Albion, N. Y. * * *".

Adulteration of the articles was alleged in the libel for the reason that they consisted in whole or in part of filthy, decomposed, or putrid vegetable substances.

Misbranding was alleged for the reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On January 21, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10219. Misbranding of Kuhn's rheumatic remedy. U. S. * * * v. 2 Dozen Bottles and 3 Dozen Bottles of Kuhn's Rheumatic Remedy. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14607, 14608. Inv. Nos. 30129, 30132. S. Nos. C-2854, C-2855.)

On March 10, 1921, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 5 dozen bottles of Kuhn's rheumatic remedy, remaining in the original unbroken packages at Minneapolis and St. Paul, Minn., respectively, alleging that the article had been shipped by the Kuhn Remedy Co., Chicago, Ill., on or about January 8 and February 1, 1921, respectively, and transported from the

State of Illinois into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of iodine, potassium iodide, plant extractives, sugar, aromatics, alcohol, and water.

Misbranding of the article was alleged in substance in the labels for the reason that the following statements appearing on the bottle and carton containing the article, " * * * Rheumatic Remedy * * * Rheumatism, Neuralgia, Lumbago, Sciatica, or Gout * * *," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 20 and December 15, 1921, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10220. Misbranding of DuBois Pacific pills. U. S. * * * v. 137 Boxes * * * of DuBois Pacific (Pacific) Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14649. Inv. No. 26991. S. No. C-2880.)

On March 17, 1921, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 137 boxes of DuBois Pacific (Pacific) pills, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by William A. Baumgartner, Detroit, Mich., on or about February 26, 1921, and transported from the State of Michigan into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of aloes and ferrous sulphate, coated with calcium carbonate and sugar.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effect of the said article, (circular) " * * * Reliable Female Tonic and Regulator. * * * for relieving general female disorders. Needless pain and suffering may be prevented by the use of DuBois Pills * * * a female tonic exerting helpful medicinal action over the female organs. * * * in the relieving of pain, due to leucorrhoea, etc., and regulating the menses. * * * a tonic for the female organs * * * suppressed menstruation, painful menstruation, inflammation of the vagina caused by anemia, etc. * * * For leucorrhoea * * * In cases of menstrual disturbances * * *," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed; and for the further reason that the statement in the said circular, "DuBois Pills which are purely vegetable," was false and misleading, since the product was not purely vegetable.

On December 15, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10221. Misbranding of cottonseed meal. U. S. * * * v. Americus Oil Co., a Corporation. Plea of nolo contendere. Fine, \$100. (F. & D. No. 14729. I. S. No. 16831-r.)

On June 30, 1921, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Americus Oil Co., a corporation, Americus, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 14, 1920, from the State of Georgia into the State of Pennsylvania, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: (Sack) "100 Lbs. Cotton Seed Meal Manufactured by Americus Oil Co., Americus, Ga."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 32.90 per cent of protein and approximately 17.00 per cent of crude fiber.

Misbranding of the article was alleged in substance in the information for the reason that the statements appearing on the tag attached to the sack containing the article, regarding it and the ingredients contained therein, to wit, " * * * Protein Minimum 36.00% * * * Crude Fiber Maximum 14.00% * * *" were false and misleading in that the said statements represented that the article contained not less than 36 per cent of protein and not more than 14 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 36 per cent of protein and not more than 14 per cent of crude fiber, whereas, in truth and in fact, the said article contained less than 36 per cent of protein and more than 14 per cent of crude fiber.

On October 3, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10222. Misbranding of potatoes. U. S. * * * v. Horace G. Ballard (H. & R. Ballard). Plea of guilty. Fine, \$25. (F. & D. No. 14741. I. S. No. 2460-t.)

On September 7, 1921, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Horace G. Ballard, trading as H. & R. Ballard, Pavo, Ga., alleging shipment by said defendant, on or about September 24, 1920, in violation of the Food and Drugs Act, as amended, from the State of Georgia into the State of Ohio, of a quantity of (sweet) potatoes in unlabeled crates, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 12, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10223. Adulteration and misbranding of Bakers' Whip. U. S. * * * v. 7 Pounds of Bakers' Whip * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14827. I. S. No. 8475-t. S. No. E-3330.)

On April 22, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 pounds of Bakers' Whip, remaining in the original unbroken packages at Hagerstown, Md., consigned on or about March 30, 1921, alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance containing baking powder, starch, and a small amount of gum had been mixed and packed with, and substituted wholly or in part for, the said article. Adulteration was alleged for the further reason that the article was mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statements on the label of the can containing the article, to wit, "Bakers' Whip An Egg Substitute Saves Time Saves Money If you are looking for something to use in place of Eggs, this is it. There Is No Other Each one pound of Bakers' Whip is equal in strength to 50 Eggs, and should be used in like proportion. Dissolve one-fourth pound of Bakers' Whip in one pint of warm water. Stir well and it is ready to use. * * * When you consider each one-fourth lb. of Bakers' Whip is equal to about 13 eggs, you can readily determine its use. * * * Do Not Accept Imitations. This Is The Original," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On December 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10224. Misbranding of olive oil. U. S. * * * v. 5 Cans * * * of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15017. Inv. No. 35354. S. No. E-3407.)

On July 2, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a label for the seizure and condemnation of 5 cans of olive oil, remaining unsold at Lawrence, Mass., alleging that the article had been shipped by the Italy Commercial Co., New York, N. Y., on or about May 21, 1921, and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Net Contents 5 Gallons Spanish Virgin Olive Oil * * *."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Net Contents 5 Gallons," borne on the cans containing the said article, regarding the quantity of the article contained in the said cans, was false and misleading, since none of the said cans contained 5 gallons net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans each contained 5 gallons net of the said article, whereas, in truth and in fact, the said cans did not contain 5 gallons net of the article, but contained a less quantity. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated thereon was greater than the actual contents of the said package.

On November 14, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal in packages properly branded to show the correct measure of the contents thereof.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10225. Misbranding of Bristol's sarsaparilla compound and Kemp's Anacahuita pectoral compound. U. S. * * * v. 8 Dozen Bottles of * * * Bristol's Sarsaparilla Compound, et al. Decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 14973, 14978, 15029, 15032. I. S. Nos. 10704-t, 10705-t, 10706-t, 10707-t, 10709-t. S. Nos. W-963, W-965, W-970, W-971, W-972.)

On June 2, 3, and 7, 1921, respectively, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 9½ dozen bottles of Bristol's sarsaparilla compound and 38 dozen bottles of Kemp's Anacahuita pectoral compound, remaining in the original unbroken packages at Los Angeles, Calif., consigned by Lanman & Kemp, Inc., New York, N. Y., alleging that the articles had been shipped from New York, N. Y., between the dates of April 14, 1920, and May 5, 1921, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended. A portion of the Anacahuita pectoral compound was labeled in part: (Wrapper, English, Spanish, and French; bottle label, English and Spanish) "* * * highly esteemed for its efficacy in Coughs, Throat and Bronchial Affections * * *"; (circular, Spanish) "* * * Highly appreciated * * * for the good effects * * * in catarrhs of the chest, coughs, and bronchial affections. It can be recommended with confidence as a means of arresting these diseases, especially in the incipient period. * * * Pulmonary consumption, phthisis, tuberculosis * * * from the very moment that the cough first appears, take Kemp's Pectoral Anacahuita Compound * * * Catarrh * * * epidemic catarrh or influenza * * * The use of Kemp's Anacahuita Pectoral Compound * * * bronchitis * * * is recommended * * * in chronic bronchitis of old persons or those addicted to intemperance when accompanied by a cough and habitual irritation, copious expectoration, loss of strength, purulent sputa, cough more severe at night and hectic night sweats * * * as a comforting and calming alleviator * * * Whooping cough or convulsive cough, in this disease which is so common in childhood. The continual use of Kemp's Anacahuita Pectoral Compound will have a beneficial tendency to reduce the violence of the cough * * * asthma * * * Take Kemp's Anacahuita Compound * * * Pleurisy * * * The free use of Kemp's Anacahuita Pectoral Compound * * * Croup. This disease is marked by the inflammation of the upper part of the throat or in a form known as membranous croup by the growth

of a false membrane which obstructs the passage threatening the suffocation of the patient * * * produces a soothing effect. Difficult respiration, all catarrhs of the chest or general bronchial affections present this distressing symptom—relieve the trouble by removing the cause. Try Kemp's Anacahuita Pectoral Compound"; (bottle label) "Alcohol by volume 34%." The remainder of the Anacahuita pectoral compound was labeled in part: (Wrapper and bottle label as above quoted) (circular, Spanish) "Pectoral De Anacahuita * * * for affections of the chest * * * phthisis * * * It may be stated with all confidence that with the use of this valuable remedy very satisfactory results have been obtained in cases of persons seriously threatened * * * Pulmonary consumption, tuberculosis, phthisis * * * catarrh * * * epidemic catarrh or influenza * * * bronchitis * * * for the chronic bronchitis of old persons * * * when accompanied by coughs and habitual irritation, copious expectoration, loss of strength, purulent sputum, cough more violent by night and hectic and nocturnal sweats. The Pectoral De Anacahuita is invaluable, whooping cough or convulsive cough * * * Asthma * * * Pleurisy, membranous croup or croup. This disease is distinguished by inflammation of the upper part of the throat with deposit of a false membrane which completely obstructs the passage so that the patient is suffocated—may be prevented when the first symptoms appear by administering an emetic and taking freely a remedy like Pectoral De Anacahuita. For hectic fever which is usually accompanied by bronchial and pulmonary affections * * * Difficult respiration, all pulmonary diseases or those that affect the lungs are influenced by this remedy. It nips the disease in the bud and removes the cause." The Bristol's sarsaparilla compound was labeled in part: (Blue label on wrapper) "* * * For Impure Conditions Of The Blood, Supposed To Be Induced By Syphilitic Taint * * * And Marked By Rheumatic or Neuralgic Manifestations, Skin Eruptions, Nervous and General Debility of the System, Loss of Appetite, Languor, Dizziness, and Inactive Liver, which often precede Bilious And Other Fevers And Jaundice * * *"; (bottle label, English and Spanish) "* * * Ulcers or Running Sores, * * * Soreness of the Throat * * *."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the pectoral compound consisted essentially of small amounts of vegetable extractives, magnesium, and ammonium salts, approximately 25 per cent of sugars, 25 per cent of alcohol, and water; and that the sarsaparilla compound consisted essentially of $\frac{1}{3}$ per cent of potassium iodid, small amounts of extractives of vegetable drugs, including a laxative drug, traces of volatile oils, 15 per cent of sugar, 11 per cent of alcohol, and water.

Misbranding of the articles was alleged in substance in the libels for the reason that the labels of the bottles containing the said articles and the accompanying circulars and wrappers bore the above-quoted statements, which were false and fraudulent in that the said articles contained no ingredients or combinations of ingredients capable of producing the curative and therapeutic effects claimed.

On August 26 and September 10, 1921, respectively, Lanman & Kemp, Inc., New York, N. Y., having entered an appearance as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that the said articles be relabeled in a manner satisfactory to this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10226. Adulteration of chocolate coating. U. S. * * * v. 75 Cases * * * and 5 Cases * * * of Chocolate Coating. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15118. I. S. Nos. 10928-t, 10929-t. S. No. W-993.)

On July 7, 1921, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 cases and 5 cases of chocolate coating, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the D. Ghirardelli Co., San Francisco, Calif., June 11, 1921, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part, "W. H. Miner's Sweet Chocolate Coating, San Francisco * * * Uditit."

The remainder of the article was labeled in part, "D. Ghirardelli's Confectioners Sweet Chocolate O Coating * * *."

Adulteration of the article was alleged in the libel for the reason that a certain substance, to wit, cocoa shells, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

On August 26, 1921, the D. Ghirardelli Co., San Francisco, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,150, in conformity with section 10 of the act, conditioned in part that it be relabeled with a conspicuous legend as "Containing Excessive Cocoa Shells."

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10227. Misbranding of Nervosex tablets. U. S. * * * v. 4 Boxes * * * of Drug Products. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15123. Inv. No. 30884. S. No. C-3109.)

On July 13, 1921, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 boxes of drug products, at Belleville, Tex., alleging that the article had been shipped by the United Laboratories, St. Louis, Mo., on or about June 18, 1920, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box) "Nervosex Tablets. A compound of Nerve and Muscle Stimulants for Low Vitality, Lack of Energy, Sexual Weakness * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets contained zinc phosphid, calcium phosphate, an iron compound, and vegetable extractives, including nux vomica.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing on the label of the said box, regarding the curative or therapeutic effect of the said article, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed.

On January 9, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10228. Misbranding of Lung Germine. U. S. * * * v. 10 Bottles and 30 Bottles * * * of Lung Germine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15137, 15138. I. S. No. 666-t. Inv. No. 31334. S. Nos. C-3113, C-3117.)

On July 16 and 21, 1921, respectively, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 40 bottles of Lung Germine, at Chicago, Ill., alleging that the article had been shipped in part by the Rox Chemical Co., Louisville, Ky., September 21, 1920, and in part by the Lung Germine Co., Jackson, Mich., May 21, 1921, and transported from the States of Kentucky and Michigan, respectively, into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sulphuric acid and water with small amounts of iron sulphate, alcohol, and aromatics.

Misbranding of the article was alleged in the libels for the reason that the package or label did not bear a statement of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that the statement on the bottle and carton, "Alcohol by Volume 10 per cent" ["Contains 10% Alcohol"], was false and misleading in that the said article did not contain 10 per cent of alcohol by volume but did contain a less quantity of alcohol by volume, namely, 2.25 per cent. Misbranding was alleged in substance for the further reason that the following statements regarding the curative or therapeutic effect of the said article, appearing on the labels of the bottle and carton containing the same, to wit, (bottle) "* * * Treatment For Relief Of De-

fective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Disease and Pulmonary Disorganization with Bronchial Irritation. (In Pre-tubercular stages) * * * Use no other lung medicine while using Lung Germine. Read carefully the circular accompanying this bottle * * *," (carton) "Your Lungs Are They Weak Or Painful? Do your lungs ever bleed? Do you have night sweats? Are you short of breath? Have you pains in chest and sides? Do you spit yellow and black matter? Do you have pains under your shoulder blades? These Are Regarded Symptoms of Lung Trouble Do Not Neglect These Symptoms Keep Lung Germine in your home ready for immediate use at the first sign of Membraneous Lung Disease or Bronchial Irritation. * * * Treatment For Relief of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Diseases and Pulmonary Disorganization with Bronchial Irritation (In Pre-tubercular Stages) * * *," were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that the said article was composed of or contained ingredients or combinations of ingredients effective as a remedy for the several diseases, ailments, and afflictions mentioned upon the said labels.

On November 14, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10229. Misbranding of olive oil. U. S. * * * v. 56 Cans * * * of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 153. I. S. No. 6415-t. S. No. E-3468.)

On July 26, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 56 cans of olive oil, remaining unsold at Hoboken, N. J., alleging that the article had been shipped by Economou & Theodos, New York, N. Y., on or about May 12, 1921, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Rigoletto Brand Virgin Pure Olive Oil * * * Net Contents 1 Gal. * * *"

Misbranding of the article was alleged in the libel for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "Net Contents 1 Gal.," was greater than the actual net contents of the said package.

On February 15, 1922, N. P. Economou & Theodos, New York, N. Y., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the said product be not shipped or sold unless rebranded and properly marked.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10230. Adulteration and misbranding of blend sirup. U. S. * * * v. 8 Barrels and 5 Barrels of Blend Sirup * * *. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13020, 13021. I. S. Nos. 917-r, 918-r, 919-r. S. Nos. E-2423, E-2424.)

On July 13, 1920, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 8 barrels and 5 barrels of blend sirup, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by the Cuban Refining Co., Rochester, N. Y., on or about May 14 and 24 and June 3, 1920, respectively, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Shipping package) "Blend Syrup"; (shipping tag) "Order of Cuban Refining Company Rochester N. Y. * * *"

Adulteration of the article was alleged in the libels for the reason that maltose and saccharin had been substituted wholly or in part for the said article; for the further reason that it had been mixed in a manner whereby its inferiority was concealed; and for the further reason that the said article contained an added poisonous and deleterious ingredient, to wit, saccharin, which might render it injurious to health.

Misbranding was alleged for the reason that the statement, to wit, "Blend Syrup," was false and misleading and deceived and misled the purchaser in that the said article was not a blend sirup, but was, in truth and in fact, a composition consisting of maltose sirup, containing saccharin. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, "Blend Syrup."

On July 2, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10231. Adulteration of coal-tar color. U. S. * * * v. 2 Pounds of Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14801. I. S. No. 7868-t. S. No. E-3214.)

On April 18, 1921, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 pounds of coal-tar color, remaining unsold in the original unbroken packages at York, Pa., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about April 10, 1921, and transported from the State of Missouri into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "W. B. Wood Mfg. Co., St. Louis, Mo., * * * Red."

Adulteration of the article was alleged in the libel for the reason that sodium sulphate and sodium chlorid had been mixed and packed with, and substituted wholly or in part for, the said article. Adulteration was alleged for the further reason that the article contained an added poisonous and deleterious ingredient, to wit, arsenic, which might render it injurious to health.

On October 1, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10232. Adulteration and misbranding of vinegar. U. S. * * * v. Maine Pickling Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 14926. I. S. No. 13210-r.)

On August 18, 1921, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Maine Pickling Co., a corporation, Portland, Me., alleging shipment by said company, on or about January 14, 1920, in violation of the Food and Drugs Act, as amended, from the State of Maine into the State of New Hampshire, of a quantity of vinegar which was adulterated and misbranded. The article was labeled in part, "Maine Brand Sugar Vinegar * * * Maine Pickling Co., Portland, Me. * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of distilled vinegar colored with caramel.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, distilled vinegar, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for sugar vinegar, which the said article purported to be. Adulteration was alleged for the further reason that the article was a product inferior to sugar vinegar, to wit, a mixture composed in part of distilled vinegar, and was colored with caramel so as to simulate the appearance of sugar vinegar and in a manner whereby its inferiority to said sugar vinegar was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Sugar Vinegar," borne on the labels attached to the bottles containing the article, regarding the article and the ingredients and substances contained therein,

was false and misleading in that it represented that the article was sugar vinegar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was sugar vinegar, whereas, in truth and in fact, it was not sugar vinegar but was a mixture composed in part of distilled vinegar. Misbranding was alleged for the further reason that the article was a mixture composed in part of distilled vinegar artificially colored, prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, sugar vinegar. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 22, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10233. Misbranding of Lung Germiné. U. S. * * * v. 14 Bottles and 23 Bottles * * * of Drug Products. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15135, 15136. I. S. Nos. 2941-t, 2942-t. S. Nos. C-3111, C-3112.)

On July 13, 1921, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 37 bottles of drugs, at Houston, Tex., consigned on or about September 16, 1920, and February 2, 1921, respectively, alleging that the article had been shipped by the Lung Germiné Co., Jackson, Mich., and transported from the State of Michigan into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) " * * * Use no other lung medicine when using Lung Germiné. Read carefully the circular accompanying this bottle. * * * Your Lungs; Are They Weak Or Painful? Do your lungs ever bleed? Do you have night sweats? Are you short of breath? Have you pains in chest and sides? Do you spit yellow and black matter? Do you have pains under your shoulder blades? These Are Regarded Symptoms of Lung Trouble. Do Not Neglect These Symptoms. Keep Lung Germiné in your home ready for immediate use at the first sign of Membraneous Lung Disease or Bronchial Irritation. * * * Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Diseases and Pulmonary Disorganization with Bronchial Irritation (In Pre-tubercular Stages) * * *"; (bottle) " * * * Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Disease and Pulmonary Disorganization with Bronchial Irritation. (In Pre-tubercular Stages) * * * Use no other lung medicine while using Lung Germiné. Read carefully the circular accompanying this bottle * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sulphuric acid and water with small amounts of iron sulphate, alcohol, and aromatics.

Misbranding of the article was alleged in substance in the libels for the reason that the package or label failed to bear a statement of the quantity of alcohol contained therein; for the further reason that the statement on the bottle and carton containing the said article, "Alcohol by volume 10 per cent" ["Contains 10% Alcohol"], was false and misleading; and for the further reason that the above-quoted statements regarding the curative or therapeutic effect of the said article, appearing on the labels of the said cartons and bottles, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On October 11, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10234. Misbranding of olive oil. U. S. * * * v. 32 Cans of Olive Oil. Default decree of condemnation and forfeiture. Product ordered sold or destroyed. (F. & D. No. 15316. I. S. No. 6677-t. S. No. E-3463.)

On August 10, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and con-

demnation of 32 cans of olive oil, remaining unsold in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped by E. Di Bianco, New York, N. Y., on or about February 28, 1921, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Puro Olio Di Oliva Importato * * * Emilio Di Bianco * * * Importer New York * * *."

Misbranding of the article was alleged in the libel for the reason that the labels of the said cans bore a certain statement, as follows, "Net Contents 1 Quart," which statement was false and misleading and was of such a character as to induce the purchaser to believe that the said cans contained 1 quart each of the said article, when, in truth and in fact, they did not. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 16, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed or sold by the United States marshal, if such sale could be speedily effected.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10235. Misbranding of Edgerton's salt brick. U. S. * * * v. 10 Cases of Edgerton's Salt Brick. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15495. I. S. No. 1003-t. S. No. C-3275.)

On or about November 2, 1921, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases of Edgerton's salt brick, remaining unsold in the original unbroken packages at Ardmore, Okla., alleging that the article had been shipped by the Edgerton Salt Brick Co., Atlanta, Ga., on or about March 18, 1920, and transported from the State of Georgia into the State of Oklahoma, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted largely of sodium chlorid, with smaller amounts of calcium sulphate, iron sulphate, magnesia, sulphur, nux vomica, and a trace of a nitrate.

Misbranding of the article was alleged in substance in the libel for the reason that the cartons containing the said article bore the following statements regarding the effects thereof, "* * * Prevents Hog Cholera * * * kills all kinds of worms * * *," which statements were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 10, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10236. Misbranding of potatoes. U. S. * * * v. 300 Sacks * * * of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15644. I. S. No. 8222-t. S. No. E-3654.)

On November 28, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 sacks of potatoes, remaining unsold in the original unbroken packages at Elizabeth, N. J., alleging that the article had been shipped by C. A. Powers & Co., Fort Fairfield, Me., on or about November 11, 1921, and transported from the State of Maine into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in the libel for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 12, 1921, C. A. Powers & Co., Fort Fairfield, Me., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a

bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the said product be not shipped or sold unless rebranded and properly marked.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10237. Adulteration of scallops. U. S. * * * v. 13 Gallons * * * of Scallops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15862. S. No. E-3748.)

On December 22, 1921, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 13 gallons of scallops, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Piner Bros., Morehead City, N. C., alleging that the article had been shipped on or about December 17, 1921, and transported from the State of North Carolina into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted in part for scallops.

On January 16, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10238. Adulteration of scallops. U. S. * * * v. 10 Boxes * * * of Scallops, et al. Default decrees of condemnation and forfeiture. Product turned over to charitable institutions. (F. & D. Nos. 15864, 15878, 15879, 15880, 15881, 15882, 15902, 15903, 19524. Inv. Nos. 33382, 33386, 33389, 33391, 33392, 33393, 33395, 33400, 33452. S. Nos. E-3700, E-3720, E-3721, E-3722, E-3723, E-3724, E-3725, E-3726, E-3727.)

On December 12, 15, 16, and 19, 1921, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 68 boxes, 25 barrels, and 1 five-gallon can of scallops, consigned between the dates December 10 and 16, 1921, remaining in the original unbroken packages in part at Boston and in part at Haverhill, Mass., alleging that the article had been shipped by the Duffy-Wade Co., Tolson & Smith Co., Woodland Co., Charles V. Webb, Way Bros., Piner Bros., and George L. Sterling Co., respectively, from Morehead City, N. C., and transported from the State of North Carolina into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that a substance, to wit, added water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

On December 30, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be turned over to such public institutions as the United States marshal should in his judgment direct.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10239. Adulteration and misbranding of shorts and screenings. U. S. * * * v. 1,000 Sacks and 380 Sacks * * * of Shorts and Screenings. Consent decrees finding the product misbranded and ordering its release under bond. (F. & D. Nos. 15899, 15900. I. S. Nos. 1318-t, 1319-t, 1320-t. S. Nos. C-3390, C-3391.)

On or about January 9, 1922, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 1,380 sacks of shorts and screenings, at Fort Smith, Ark., alleging that the article had been shipped by the General Commission Co., Kansas City, Mo., December 5, 7, and 8, 1921, respectively, and transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "100 # Fancy Gray Cereal Shorts And Screenings Not Exceeding 8% * * *."

Adulteration of the article was alleged in substance in the libels for the reason that a mixture of ground bran, ground corn products, and flour had been mixed and packed therewith so as to [reduce] lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the

said article. Adulteration was alleged for the further reason that the said ground bran, ground corn products, and flour had been mixed with the said article in a manner whereby inferiority was produced [concealed].

Misbranding was alleged in substance for the reason that the article was an adulteration [imitation] of, and was offered for sale under the distinctive name of, another article, so as to deceive and mislead the purchaser, and for the further reason that it was branded as above set forth so as to represent falsely, and to create in the minds of purchasers thereof the impression and belief, that the said article was composed of ingredients as set out in the said label, when, in truth and in fact, it was not.

On January 20, 1922, the General Commission Co., Kansas City, Mo., claimant, having conceded the allegations of the libels and having tendered good and sufficient bonds, in conformity with section 10 of the act, judgments of the court were entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and that it be not sold until it should be relabeled as "Mixed Feed, Ingredients: Bran, Corn Meal, Low Grade Flour and Screenings."

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10240. Misbranding of canned clams. U. S. * * * v. 31 Cases of Canned Clams. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15159. I. S. No. 5465-t. S. No. E-3596.)

On October 4, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 31 cases of canned clams, remaining unsold in the original unbroken packages at Worcester, Mass., alleging that the article had been shipped by the Sargentville Packing Co., Sargentville, Me., on or about April 2, 1921, and transported from the State of Maine into the Commonwealth of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Jack Rose Brand Clams * * * Contents 8 Oz."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Contents 8 Oz.," borne and labeled upon the cans containing the article, was false and misleading in that the said statement represented that the said cans each contained 8 ounces net of the said article, whereas, in truth and in fact, said cans did not each contain 8 ounces net of the said article but did contain a less quantity. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "Contents 8 Oz.," was incorrect and represented more than the actual contents of the said cans.

On December 21, 1921, the E. T. Smith Co., Worcester, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10241. Adulteration of chocolate coating. U. S. * * * v. 10 Cases * * * of Chocolate Coating, et al. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15239, 15240, 15325. I. S. Nos. 10602-t, 10942-t, 10944-t, 10945-t. S. Nos. W-1007, W-996, W-997.)

On or about July 26 and September 1, 1921, respectively, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 24 cases of Riesener's chocolate coating, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Riesener Chocolate Co., San Francisco, Calif., on or about July 2 and 26, 1921, respectively, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Case) "Plain Sweet Sphinx 100 lbs. Riesener's Chocolate Coating * * * Riesener Chocolate Co. * * *." The remainder of the article was labeled in part: (Case) "100 Lbs. Riesener's Master Chocolate Coating * * *."

Adulteration of the article was alleged in the libels for the reason that coca [cocoa] shells had been mixed and packed with, and substituted wholly or in part for, chocolate and chocolate coating.

On September 2 and 3, 1921, respectively, the Riesener Chocolate Co., San Francisco, Calif., claimant, having consented to decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,000, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10242. Misbranding of olive oil. U. S. * * * v. 48 Gallon Cans of * * * Olive Oil, et al. Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 15334, 15345. I. S. Nos. 5486-t, 5092-t, 5093-t, 5094-t. S. Nos. E-3519, E-3536.)

On July 29 and August 5, 1921, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 48 gallon cans, 15 half-gallon cans, 24 quarter-gallon cans, and 32 eighth-gallon cans of olive oil, consigned May 3 and May 20, 1921, respectively, remaining in the original unbroken packages at Lawrence and Fall River, Mass., respectively, alleging that the article had been shipped by the Alpha Importing Co., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Marconi Brand Finest Pure Olive Oil * * * One Full Gallon," "Half Full Gallon," "Quarter Full Gallon" or "Eighth Full Gallon."

Misbranding of the article was alleged in the libels for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding was alleged with respect to the shipment of May 20 for the further reason that the package or label bore a statement, design, or device regarding the article or the ingredients or substances contained therein, which was false and misleading and deceived and misled the purchaser.

On January 27, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10243. Misbranding of Castleberry's sexual pills and Fackler's compound extract of damiana. U. S. * * * v. 10 Dozen Boxes of Castleberry's Sexual Pills and 5 Dozen Bottles of Fackler's Compound Extract of Damiana. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15356. I. S. Nos. 9178-t, 9179-t. S. Nos. E-3567, E-3568.)

On September 2, 1921, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 dozen boxes of Castleberry's sexual pills and 5 dozen bottles of Fackler's compound extract of damiana, at Columbus, Ga., alleging that the articles had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., on or about June 21 and 24, 1921, respectively, and transported from the State of Missouri into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Castleberry's sexual pills contained an iron compound, extracts of cantharides and nux vomica, calcium carbonate, and sugar; and that the Fackler's compound extract of damiana contained extracts of plant drugs, including nux vomica, damiana, and saw palmetto, extract of cantharides, sugar, alcohol, and water.

Misbranding of the articles was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effects thereof, appearing in the labeling of the respective articles, to wit, (Castleberry's pills) (carton and circular) " * * * Sexual Pills * * * For Hysteria, Dizziness, Nervous Prostration, Nervous Debility and General Weakness * * *," (Fackler's compound extract of damiana) (bottle) " * * * A Tonic for Both Sex * * *," (carton) " * * * A Liquid

Aphrodisiac * * * Useful In Nervous Debility. * * * For General Weakness * * *," were false and fraudulent in that the said statements were applied to the articles so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that the said articles were effective as treatments and remedies for the diseases mentioned therein, whereas, in truth and in fact, they contained no ingredients or combination of ingredients capable of producing the effects claimed.

On December 12, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10244. Adulteration and misbranding of alleged olive oil. U. S. * * * v. 10 Gallons of a Product Purporting to be Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15376. I. S. No. 5091-t. S. No. E-3517.)

On or about August 2, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 gallons of a product purporting to be olive oil, remaining in the original unbroken packages at Fall River, Mass., consigned on or about June 4, 1921, alleging that the article had been shipped by the Armenian Importing Co., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of cottonseed oil, which had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil, whereas, in truth and in fact, it was not olive oil.

On November 14, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal in a package properly branded to show the said product to be cottonseed oil.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10245. Adulteration and misbranding of noodles. U. S. * * * v. 10 Boxes, 14 Boxes, and 28 Boxes of Noodles. Default decrees of condemnation and forfeiture. Product delivered to the Salvation Army for consumption and not for sale. (F. & D. Nos. 15417, 15417-a. I. S. Nos. 15428-t, 15429-t. S. No. E-3597.)

On October 19 and 21, 1921, respectively, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 10 boxes, 14 boxes, and 28 boxes of noodles, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Cleveland Macaroni Co., Cleveland, Ohio, on or about November 4, 1920, and transported from the State of Ohio into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled "Fine Egg Noodles." The remainder of the article was labeled in part: "* * * Excellenca Brand High Grade Durum Flour Noodles * * * The Cleveland Macaroni Co. * * * Cleveland, Ohio Contain Egg * * *"

Adulteration of the article was alleged in substance in the libels for the reason that a substance, water noodles, had been mixed and packed with, and substituted wholly or in part for, the said article. Adulteration was alleged with respect to a portion of the article for the further reason that it was mixed in a manner whereby its damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the labels of the said article bore the statements, respectively, "* * * Noodles * * * Contain Egg" and "Fine Egg Noodles," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article. Misbranding was alleged with respect to the portion of the article labeled "Fine Egg Noodles" for the further reason

that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 16, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the labels on the boxes containing the product be obliterated by the United States marshal, and that the product be delivered to the Salvation Army for consumption and not for sale.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10246. Adulteration of oysters. U. S. * * * v. John A. White (White's Old Stand). Plea of guilty. Fine, \$15. (F. & D. No. 15441. I. S. Nos. 8733-t, 8803-t, 8804-t.)

On November 29, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against John A. White, trading as White's Old Stand, Washington, D. C., alleging that on January 12 and 26 and February 25, 1921, respectively, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, quantities of oysters which were adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and for the further reason that a valuable constituent of the said article, to wit, oyster solids, had been in part abstracted.

On November 29, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$15.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10247. Adulteration of canned salmon. U. S. * * * v. 498 Cases of Salmon * * *. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15516. I. S. No. 10922-t. S. No. W-1019.)

On November 3, 1921, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 498 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Pybus Bay Fish & Packing Co., Pybus Bay, Alaska, September 26, 1921, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pybus Bay Brand Choice Pink Alaska Salmon * * * Packed By Pybus Bay Fish and Packing Co., Cannery * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On November 25, 1921, the Admiralty Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having confessed judgment, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$50, in conformity with section 10 of the act, conditioned in part that the product be destroyed or sold as fertilizer, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10248. Adulteration and misbranding of cider vinegar. U. S. * * * v. 15 Barrels * * * of Alleged Cider Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15541. I. S. No. 5470-t. S. No. E-3635.)

On November 7, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 barrels of alleged cider vinegar, remaining in the original unbroken packages at Lynn, Mass., alleging that the article had been shipped

by the P. Garlock Co., Newark, N. Y., on or about August 1, 1921, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, (barrel) "Pure Apple Cider Vinegar 40 Grain Mfg. By P. Garlock Co., Newark, N. Y. * * *."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, waste vinegar, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for pure apple cider vinegar, which the article purported to be.

Misbranding was alleged for the reason that the statement borne on the said barrels, regarding the article and the ingredients and substances contained therein, to wit, "Pure Apple Cider Vinegar," was false and misleading in that the said statement represented to the purchaser thereof that the article was pure apple cider vinegar, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure apple cider vinegar, whereas, in truth and in fact, the said article was not pure apple cider vinegar but was a product composed in part of waste vinegar. Misbranding was alleged for the further reason that the article was a product composed in part of waste vinegar, prepared in imitation of, and offered for sale under the distinctive name of, another article, to wit, pure apple cider vinegar.

On December 28, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10249. Misbranding of Avalon distemper and cold compound. U. S. * * * v. 21 Bottles of Avalon Distemper and Cold Compound. Default decree of condemnation, forfeiture, and destruction, (F. & D. No. 15542. Inv. No. 31519. S. No. E-3614.)

On November 10, 1921, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 21 bottles of Avalon distemper and cold compound, remaining in the original unbroken packages at Mt. Joy, Pa., consigned by the Avalon Farms Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about January 6, 1920, and transported from the State of Illinois into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was composed essentially of ammonium chlorid, iron chlorid, glycerin, mydriatic alkaloid, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, designs, and devices appearing in the labeling thereof, regarding the curative or therapeutic effects of the said article, to wit, (label) " * * * Distemper * * * Compound * * * Recommended for * * * strangles, distemper or shipping fever * * *," (circular) " * * * Distemper * * * Compound * * * Distemper * * * shipping fever and colt-ill * * * strangles * * * give Avalon Farms Distemper and Cold Compound * * * until the aggravating symptoms subside, after which a dose three times a day is sufficient until recovery is complete * * *," were false and fraudulent in that the said article would not produce the curative or therapeutic effects which purchasers were led to expect by the said statements, designs, and devices, and which were applied thereto with a knowledge of their falsity for the purpose of defrauding purchasers thereof.

On February 16, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10250. Misbranding of cottonseed meal and cold pressed cottonseed flake. U. S. * * * v. Osage Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$400 and costs. (F. & D. No. 14343. I. S. Nos. 12018-r, 18819-r.)

On August 3, 1921, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

the Osage Cotton Oil Co., a corporation, trading at McAlester and Holdenville, Okla., respectively, alleging shipment by said company, on or about March 16, 1920, and December 4, 1919, respectively, in violation of the Food and Drugs Act, as amended, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed meal and cold pressed cottonseed flake, respectively, which were misbranded. The articles were labeled in part: "* * * Silo Brand Cotton Seed Meal Or Cake" or "Silo Brand Cold Pressed Cotton Seed Flake," "* * * 100 Pounds Gross * * * 99 Lbs. Net * * * Osage Cotton Oil Co. * - * *."

Examination of 60 sacks of the cottonseed meal by the Bureau of Chemistry of this department showed that the average net weight was 96.33 pounds. Examination of 68 sacks of the cottonseed flake by said bureau showed that the average net weight was 95.02 pounds.

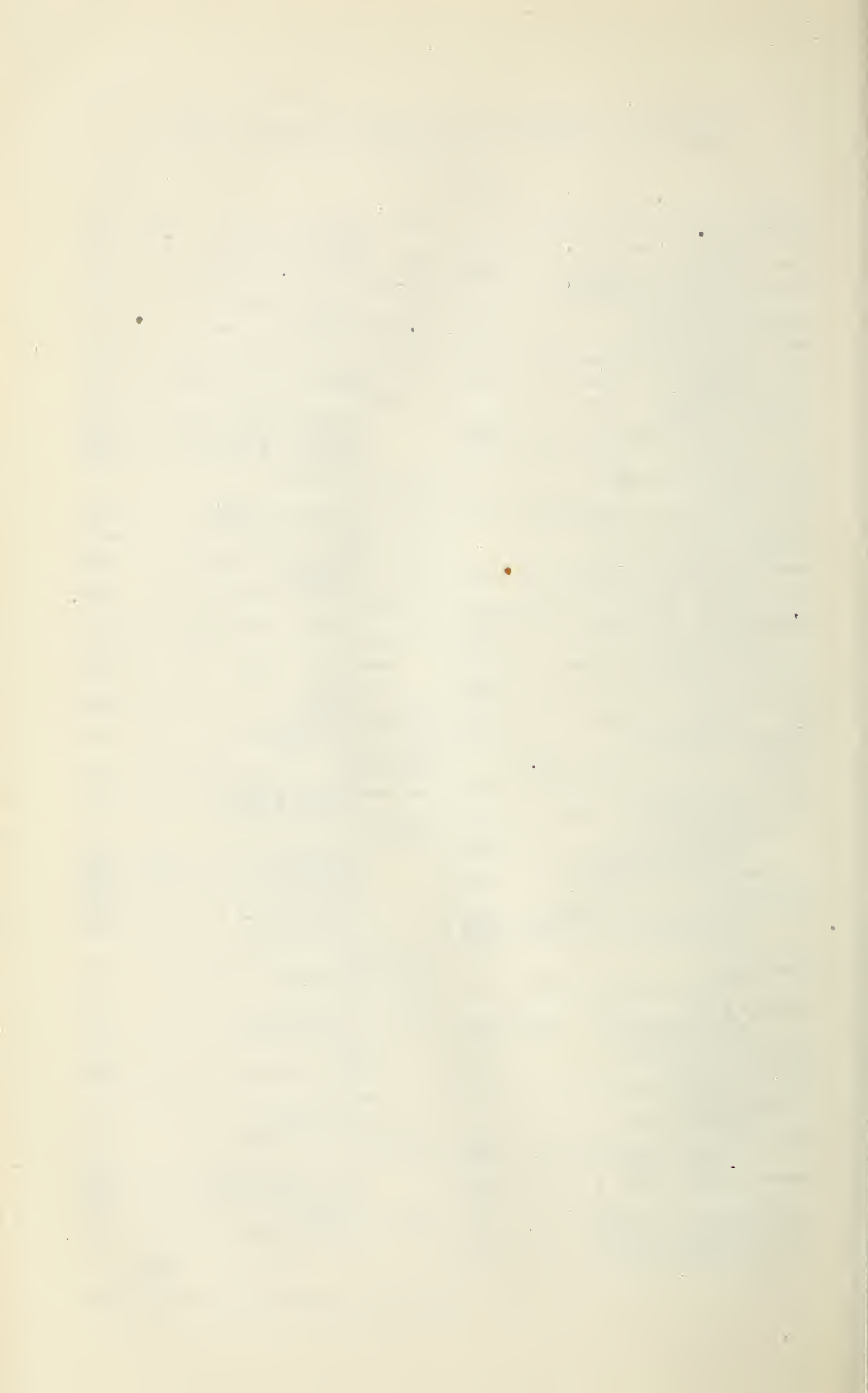
Misbranding of the articles was alleged in the information for the reason that the statement, to wit, "100 Pounds Gross * * * 99 Lbs. Net," borne on the tags attached to the sacks containing the respective articles, regarding the said articles, was false and misleading in that it represented that each of the said sacks weighed 100 pounds gross and contained 99 pounds net of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks weighed 100 pounds gross and contained 99 pounds net of the article, whereas, in truth and in fact, each of the said sacks did not weigh 100 pounds gross but did weigh a less amount and each of the said sacks did not contain 99 pounds net of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 22, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$400 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

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United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

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N. J. 10251-10300.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 10, 1922.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

10251. Adulteration of shell eggs. U. S. * * * v. Obadiah N. Bennett. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 14506. I. S. No. 382-t.)

On August 3, 1921, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Obadiah N. Bennett, trading at Choteau, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 31, 1920, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated.

Analysis, by the Bureau of Chemistry of this department, of the 360 eggs involved in the consignment showed the presence of 70, or 19.44 per cent, inedible eggs, consisting of mixed or white rots, spot rots, blood rings, blood rots, and chick rots.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, putrid, and decomposed animal substance.

On February 23, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10252. Adulteration of eggs. U. S. * * * v. Charles J. Wisdom. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 14508. I. S. No. 389-t.)

On August 3, 1921, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles J. Wisdom, trading at Choteau, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 3, 1920, from the State of Oklahoma into the State of Kansas, of a quantity of eggs which were adulterated.

Analysis, by the Bureau of Chemistry of this department, of the 360 eggs involved in the consignment, showed 86, or 24.0 per cent, inedible eggs, consisting of black rots, mixed or white rots, spot rots, blood rings, blood rots, and chick rots.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On February 23, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10253. Misbranding of digester tankage. U. S. * * * v. 108 * * *
Sacks of * * * Butler's Premium Digester Tankage. Default
decree of condemnation, forfeiture, and sale. (F. & D. No. 14836.
I. S. No. 11572-t. S. No. C-2996.)

On April 29, 1921, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 108 sacks of Butler's Premium digester tankage, remaining unsold at Tipton, Ind., alleging that the article had been shipped by the Edward J. Butler Co., from Blue Island, Ill., on or about January 25, 1921, and transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100 Lbs. Butler's Premium Digester Tankage Guaranteed Analysis Protein 60 per cent * * * Edw. J. Butler & Co., Webster Bldg., Chicago, Ill."

Misbranding of the article was alleged in the libel for the reason that the statement on the label, to wit, "Protein 60 per cent," was false and misleading and deceived and misled the purchaser.

On December 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that all marks, brands, and figures be removed and obliterated from the labeling of the product and that it be rebranded "Butler's Premium Digester Tankage Edward J. Butler Company, Webster Building, Chicago, Illinois," and sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10254. Misbranding of American hog remedy. U. S. * * * v. 10 * * *
Packages of * * * American Hog Remedy. Default decree of
condemnation, forfeiture, and destruction. (F. & D. No. 14851. I.
S. No. 13506-t. S. No. C-3051.)

On May 11, 1921, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 packages of American hog remedy, remaining in the original unbroken packages at Martinsville, Ind., alleging that the article had been shipped by the American Remedy Co., Tiffin, Ohio, on or about August 29, 1918, and transported from the State of Ohio into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "* * * A Concentrated Remedy for Swine Recommended for Hog Cholera and Swine Plagues, Inflammatory and all contagious Diseases peculiar to Swine. Purifies the blood, * * * Do Not Be Deceived! Hogs require entirely distinct compound from other domestic animals. It is absurd to believe that ordinary Stock Remedy will cure and prevent Hog Cholera * * * The required dose for a hog of any scientific compound, containing the ingredients required to cure and prevent contagion among swine, * * * Directions for Hog Cholera.—As soon as you notice that Hog Cholera has begun on your herd, * * * Give from two to three tablespoonfuls of American Hog Remedy * * * If already diseased increase at once to three and even four tablespoonfuls * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of iron sulphate, magnesium sulphate, salt, charcoal, nux vomica, and ground vegetable material.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements appearing in the labeling, with respect to the curative or therapeutic effects of the said article, were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the results claimed.

On December 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10255. Adulteration of canned blackberries. U. S. * * * v. 80 * * *
Cases of * * * Tennessee Blackberries. Default decree of
condemnation, forfeiture, and destruction. (F. & D. No. 14860. I.
S. No. 13511-t. S. No. C-3055.)

On May 11, 1921, the United States attorney for the district of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and thereafter an amendment to

said libel, praying the seizure and condemnation of 80 cases of Tennessee blackberries, remaining in the original unbroken cases at Lafayette, Ind., alleging that the article had been shipped by the Frank C. Gibbons Sons Co., Maryville, Tenn., on or about August 18, 1920, and transported from the State of Tennessee into the State of Indiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tennessee Black Berries Packed by Frank C. Gibbons' Sons Co. Maryville, Tennessee. Net Contents 6 Pounds 8 Ounces."

Adulteration of the article was alleged in the libel, as amended, for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On December 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10256. Adulteration and misbranding of mustard. U. S. * * * v. 228 Cases * * * of Bayle Quality Old English Mustard, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14987, 15312, 15313. I. S. Nos. 10597-t, 10946-t, 10947-t, 10948-t. S. Nos. W-979, W-998, W-1003.)

On or about June 21 and August 13, 1921, respectively, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 341 cases of Old English mustard and 85 cases of Old English horseradish mustard, remaining in the original unbroken packages at Salem and Portland, Oreg., respectively, alleging that the articles had been shipped by the Bayle Food Products Co., Luther, Mo., August 2, 1920, and transported from the State of Missouri into the State of Oregon, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part, respectively: (Jars) "* * * Bayle Quality Old English Style Prepared Mustard Bayle Food Products Co., St. Louis. Mustard Seed, Vinegar, Salt and Spices with Turmeric"; and (jars) "6 Oz. Net Bayle Quality Old English Style Horseradish Mustard Bayle Food Products Co., St. Louis, Mo. Horseradish, Mustard Seed, Vinegar, Salt and Spices with Turmeric."

Adulteration of the articles was alleged in substance in the libels for the reason that a certain substance, to wit, mustard hulls, had been mixed and packed with the said articles so as to reduce and lower and injuriously affect their quality and strength; for the further reason that they consisted in part of mustard hulls, an inferior substitute for mustard seed; and for the further reason that they had been mixed and colored in such a manner that their damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the labels bore the above-quoted statements, which were false and misleading and were calculated to deceive and mislead the purchaser in that the said statements represented that the ingredients of the said articles were mustard seed, vinegar, salt, and spices, with turmeric, or horseradish, mustard seed, vinegar, salt, and spices, with turmeric, as the case might be, whereas, in truth and in fact, the said articles did not consist of the above-named ingredients but did contain mustard hulls, and the said horseradish mustard contained no horseradish. Misbranding was alleged for the further reason that the articles were imitations of, and were offered for sale under the distinctive names of, other articles, to wit, "Prepared Mustard" and "Horseradish Mustard," respectively.

On September 21, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10257. Misbranding of strawberries. U. S. * * * v. Greenfield Fruit Growers Association, a Corporation. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 15558. I. S. Nos. 4243-t, 4244-t.)

On December 17, 1921, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Greenfield Fruit Growers Association, a corporation, Greenfield, Tenn., alleging shipment by said company, on or about May 7, 1921, in violation of

the Food and Drugs Act, as amended, from the State of Tennessee into the State of New York, of quantities of strawberries in unlabeled crates, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 28, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10258. Adulteration and misbranding of gelatin. U. S. * * * v. 7 Bags * * * and 4 Barrels of * * * Gelatin * * *. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15737, 15743. I. S. Nos. 8832-t, 8834-t. S. Nos. E-3694, E-3710.)

On December 19, 1921, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 7 bags, containing approximately 1,600 pounds, and 4 barrels of gelatin, remaining in the original unbroken packages at Baltimore, Md., consigned on or about February 4 and 8, 1921, respectively, alleging that the article had been shipped by Peter Cooper's Glue Factory, Gowanda, N. Y., and the Keene Glue Co., Keene, N. H., respectively, and transported from the States of New York and New Hampshire, respectively, into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part, "From Keene Glue Co., Keene, N. H. * * *."

Adulteration of the article was alleged in the libels for the reason that a substance, to wit, glue, had been mixed and packed with, and substituted wholly or in part for, the said article and for the further reason that it contained added poisonous or deleterious ingredients, to wit, copper and zinc, which might render it injurious to health.

Misbranding was alleged for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On February 2, 1922, William H. Ferris and Ernest C. Ferris, copartners, trading as Ferris Bros., Baltimore, Md., claimants, having admitted the material allegations of the libels and having averred that the product had been purchased by them upon representations by the manufacturers thereof that it was fit for human consumption, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that it be not disposed of contrary to the provisions of the Food and Drugs Act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10259. Adulteration and misbranding of extracts of orange, lemon, strawberry, and raspberry. U. S. * * * v. Extract of Orange, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15927. I. S. Nos. 8101-t, 8102-t, 8103-t, 8104-t. S. No. E-3729.)

On January 23, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 36 bottles of extract of orange, 57 bottles of extract of lemon, 36 bottles of extract of strawberry, and 36 bottles of extract of raspberry, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Leading Perfumers & Chemists, Inc., New York, N. Y., alleging that the articles had been shipped from New York, N. Y., on or about October 26, 1921, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the orange extract and lemon extract was alleged in the libel for the reason that a product deficient in orange oil or lemon oil, as the case might be, had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength and had been substituted wholly or in part for extract of orange and extract of lemon, which the said

articles purported to be. Adulteration of the alleged strawberry and raspberry extracts was alleged for the reason that imitation flavors had been mixed and packed with, and substituted wholly or in part for, the said articles. Adulteration was alleged with respect to all the products for the further reason that they had been mixed and colored in a manner whereby their damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the following statements, designs, and devices regarding the said articles and the ingredients contained therein indicated to the purchaser that the respective articles contained (labeling of all products) " * * * Vegetable color * * * Strength Combined with delicacy of flavor makes this extract unexcelled," (respective articles) "Extract of Orange," "Extract of Lemon," "Extract of Strawberry 2 Fluid Ounces," "Extract of Raspberry, 2 Fluid Ounces," when in fact they did not contain the respective products and amounts as indicated. Misbranding was alleged with respect to the said strawberry and raspberry extracts for the further reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated was not correct. Misbranding was alleged with respect to all the products for the further reason that they were imitations of, and were offered for sale under the distinctive names of, other articles.

On February 16, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10260. Misbranding of Injection Zip. U. S. * * * v. 5½ Dozen Bottles * * * of Injection Zip. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11105. I. S. No. 7692-r. S. No. C-1421.)

On September 2, 1919, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5½ dozen bottles of Injection Zip, at Detroit, Mich., alleging that the article had been shipped by the Baker-Levy Chemical Co., Indianapolis, Ind., October 30, 1918, and transported from the State of Indiana into the State of Michigan, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Injection Zip * * * Guaranteed by the Baker-Levy Chemical Company * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of lead acetate, 0.15 per cent; zinc sulphate, 0.04 per cent; small amounts of opium and berberine; alcohol, 2.1 per cent; and water approximately 96 per cent.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements appearing on the labels of the bottles containing the said article and in the accompanying circular falsely and fraudulently represented that it would produce speedy relief and cure of venereal diseases, without stricture, that it was an excellent preparation for the treatment of gonorrhea, gleet, and leucorrhea, and that it was the best preventive for said disease, and that ladies troubled with leucorrhea (whites) would obtain speedy relief and that obstinate cases thereof would be relieved in four to five days, whereas, in truth and in fact, the said article contained no ingredient or combination of ingredients capable of producing the said effects.

On March 8, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10261. Misbranding of Nerv-Mintz. U. S. * * * v. 24 Boxes * * * of * * * Nerv-Mintz. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13494. I. S. No. 24615-r. S. No. C-2326.)

On August 25, 1920, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 boxes of Nerv-Mintz, at Detroit, Mich., alleging that the article had been shipped by the Earle Chemical Co., Wheeling, W. Va., on or about January 20, 1920, and transported from the State of West Virginia into

the State of Michigan, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) " * * * Nerv-Mintz Nerve And Energy Tablets Especially A Nerve Strengthenener * * * Soothe and Quiet The Nerves, * * * Used For The Relief Of Nervousness, Loss Of Vigor, Energy and Ambition—Lack Of Confidence, Sleeplessness, Trembling, Nervelessness, Shifty Gait, Shattered Nerves, Exhausted Or Weakened Vitality, Mental Depression, Numbness, Weakening Habits, * * * And All Overworked And Unstrung Nerves Induced By Fast Living And Other Excesses. * * * Useful In The Treatment Of Nervous Conditions Which Follow Too Strenuous Living, Mental And Physical Fatigue, and Other Excesses "; (circular) "Nerv-Mintz For Nervous Debility * * * Exceptionally Efficient In The Treatment Of Nervousness, Loss Of Vigor, Energy And Ambition, Lack Of Confidence, Sleeplessness, Shifty Gait, Shattered Nerves, Weakened Or Exhausted Vitality, Mental Or Physical Depression, Weakening Habits, * * * And For All Over-Worked And Unstrung Nerves Induced By Fast Living And Other Excesses. * * * To all those who * * * suffer from the effects of fast living, over-work, and the drains of present day strenuous excesses. Nerv-Mintz prove most wonderful rejuvenators, restoring the lost vitality you perhaps had thought was gone forever. Generally results are quick. * * * Keep up the treatment * * * "

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of tablets containing zinc phosphid and extracts of plant drugs, including nux vomica, saw palmetto, aloes, and red pepper.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing on the labels of the cartons containing the said article and in the accompanying circular were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed in the said statements.

On March 8, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10262. Misbranding of Madame Dean female pills. U. S. * * * v. 22 Packages * * * of * * * Madame Dean Female Pills (Single Strength). Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13580. I. S. No. 24611—r. S. No. C-2340.)

On August 26, 1920, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 22 packages of Madame Dean female pills (single strength), at Detroit, Mich., alleging that the article had been shipped by Martin Rudy, Lancaster, Pa., April 7, 1920, and transported from the State of Pennsylvania into the State of Michigan, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Boxes and wrappers) " * * * Female Pills * * * give relief in Female Disorders of the menstrual functions. * * * for Painful, Irregular and Scanty Menstruation "; (booklets) " * * * irregular, prolonged, or suppressed menstruation. * * * Female Pills afford relief for these ailments. * * * a remedy intended solely for the relief of Amenorrhoea, Dysmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system * * * especially valuable in the functional changes * * * of the menopause or change of life. * * * act on the circulatory system of the uterus, thereby relieving painful, irregular and scanty menstruation, and assist in re-establishing or restoring, the menstrual or monthly periods. * * * strengthen and build up the uterine function "; (circulars) " * * * a great relief against those general complaints the Female Sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel, * * * for irregular, painful, scanty or suppressed menstruations, * * * should be taken * * * to assist nature with * * * disorders * * * during the change of life period. * * * Continue with the treatment until they give relief. * * * great relief from Pains or Headaches; * * * for suppressed Menstruation, * * * continue their use until relieved * * * take * * * until the menstrual flow commences again."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained quinine, aloes, iron sulphate, hydrastis, ginger, and cornstarch.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the said boxes, wrappers, booklets, and circulars were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects set forth in the said statements.

On November 2, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10263. Adulteration of condensed milk. U. S. * * * v. 5 Barrels and 4 Barrels * * * of * * * Condensed Milk. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13751, 13752. I. S. Nos. 5-t, 6-t. S. Nos. C-2532, C-2533.)

On October 4, 1920, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 9 barrels of condensed milk, at South Bend, Ind., alleging that a part of the article had been invoiced by Brown, Young & Co., Weehawken, N. J. (also of New York, N. Y.), and shipped by the J. Lowe Co., Waverly Transfer, N. J., and that the remainder thereof had been shipped by Brown, Young & Co., Weehawken, N. J., on or about July 2 and 29, 1920, respectively, and transported from the State of New Jersey into the State of Indiana, and charging adulteration in violation of the Food and Drugs Act. Both consignments of the article were invoiced, "Five Barrels Holland Condensed Milk * * *."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of filthy, decomposed, and putrid animal or vegetable substance.

On December 23, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10264. Adulteration and misbranding of Sako sweetener. U. S. * * * v. 24 Bottles * * * of * * * Sako. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13849. I. S. No. 24606-r. S. No. C-2574.)

On November 12, 1920, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 bottles of Sako, at Detroit, Mich., alleging that the article had been shipped by the A-One Products Co., Chicago, Ill., July 7, 1920, and transported from the State of Illinois into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sako * * * Bottle herein contains two liquid ounces which approximately equals the sweetening power of 15 pounds of sugar. This gives you the corresponding sweetness of sugar at a relative cost of approximately 6 2/3¢ per pound. * * * Guaranteed to comply with the Federal Food and Drugs Act by Sako Products Company, Chicago, Ill. * * *"

Adulteration of the article was alleged in the libel for the reason that it contained an added poisonous or deleterious ingredient, to wit, saccharin, which might render it injurious to health.

Misbranding of the article was alleged in substance for the reason that the above-quoted statements contained on the labels of the bottles containing the said article were false and misleading and the said article was labeled so as to deceive and mislead purchasers by representing it to be of sucrose origin, whereas, in truth and in fact, it was not. Misbranding was alleged for the further reason that the article was an imitation of, and offered for sale under the distinctive name of, another article.

On March 8, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10265. Adulteration and misbranding of ground cumin seed. U. S. * * * v. 50 * * * Pounds of * * * Ground Cumin Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14635. I. S. No. 13503-t. S. No. C-2872.)

On March 23, 1921, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 pounds of ground cumin seed, remaining unsold at Indianapolis, Ind., alleging that the article had been shipped by the Hanley & Kinsella Coffee & Spice Co., St. Louis, Mo., on or about January 26, 1921, and transported from the State of Missouri into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that sand and dirt had been mixed and packed therewith so as to injuriously affect the quality and strength of the said article, and for the further reason that sand and dirt had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, "Cumin."

On December 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10266. Misbranding of DuBois Pacific pills. U. S. * * * v. 10 * * * Boxes of * * * DuBois Pacific (Pacific) Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14665. I. S. No. 13505-t. S. No. C-2889.)

On March 23, 1921, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 boxes of DuBois Pacific (Pacific) pills, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by William J. Baumgartner, Detroit, Mich., on or about November 19, 1920, and transported from the State of Michigan into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Circular) " * * * Reliable Female Tonic and Regulator. * * * for relieving general female disorders. Needless pain and suffering may be prevented by the use of DuBois Pills * * * a female tonic exerting helpful medicinal action over the female organs. * * * in the relieving of pain, due to leucorrhea, etc., and regulating the menses. * * * a tonic for the female organs * * * suppressed menstruation, painful menstruation, inflammation of the vagina caused by anemia, etc. * * * For leucorrhea * * * In cases of menstrual disturbances * * * "

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained aloes and iron sulphate, with a coating of sugar and calcium carbonate.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements with respect to the curative and therapeutic effects of the said article were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the results claimed. Misbranding was alleged in substance for the further reason that the statement, to wit, "DuBois Pills which are purely vegetable," appearing in the said circular, was false and misleading in that the article was not purely a vegetable product.

On December 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10267. Misbranding of H. and H. water. U. S. * * * v. 66 * * * Bottles of * * * H. and H. Water and 74 * * * Bottles of * * * H. and H. Water Natural. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15409, 15422. I. S. Nos. 3095-t, 3096-t. S. Nos. C-3253, C-3265.)

On October 15, 1921, the United States attorney for the District of Indiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation

of 66 bottles of H. and H. water and 74 gallon bottles of H. and H. water natural, remaining in the original unbroken packages at Evansville, Ind., alleging that the articles had been shipped by the H. & H. Water Co., Dawson Springs, Ky., on or about July 30 and September 10, 1921, respectively, and transported from the State of Kentucky into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act, as amended. The concentrated water was labeled in part: "The Water You Need' H. And H. Water Concentrated (By Boiling Down) * * * Price \$1.00 Bottled at our Wells only by The H. & H. Water Company Dawson Springs, Kentucky. * * * Recommended For * * * Indigestion, Stomach, Liver and Kidney Troubles, Bright's Disease, Diabetes, Jaundice, Malaria, Etc. * * * Contents 25 Fluid Ounces. * * *." The natural water was labeled in part: "H. And H. Water Natural. Notice: This water is put up in its natural state just as it comes from the earth. * * * Contents One Gallon. * * * Recommended For * * * Indigestion, all Stomach, Liver and Kidney Troubles, Malaria, Female Troubles, Etc. * * *."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results, as expressed in milligrams per liter:

Radicals.	Concentrated water.		Natural water.	
	(1) ¹	(2) ²	(1) ¹	(2) ²
Chlorid (Cl).....	4,307	2,395	47	113
Sulphate (SO ₄).....	145,695	49,677	2,392	3,527
Bicarbonate (HCO ₃).....	580	335	506	541
Potassium (K).....	} (Calc.)13,253	209	} (Calc.)164	14
Sodium (Na).....		4,923		219
Magnesium (Mg).....	31,405	10,684	392	596
Calcium (Ca).....	571	188	402	614
Carbonate (CO ₃).....	690			
Silica (SiO ₂).....		34	26	33
Phosphate (PO ₄).....		5		
Manganese (Mn).....		4		
Lithium (Li).....		Trace.		
Iron (Fe).....			.1	28
Lithium and stronium (Li and Sr).....				Trace.
Totals.....	196,501	68,454	3,929.1	5,685

¹ As found in the Bureau of Chemistry.

² Analyses on labels recalculated.

Misbranding of the articles considered as foods was alleged in substance in the libels for the reason that the statements of the analyses of the said articles, appearing on the respective labels of the bottles containing the same, were false and misleading and deceived and misled the purchaser. Misbranding of the articles considered as drugs was alleged for the reason that the statements appearing in the respective labels, to wit, "Recommended For * * * Indigestion, Stomach, Liver and Kidney Troubles, Bright's Disease, Diabetes, Jaundice, Malaria, Etc." and "Recommended For * * * Indigestion, all Stomach, Liver and Kidney Troubles, Malaria, Female Troubles, Etc.," were false and fraudulent in that the said articles contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed. Misbranding was alleged with respect to the concentrated water for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, the quantity not being stated in terms of the largest unit.

On December 23, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10268. Misbranding of peas. U. S. * * * v. J. F. Solley & Co., a Corporation. Plea of nolo contendere. Fine, \$10 and costs. (F. & D. No. 15458. I. S. No. 654-t.)

On December 5, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. F. Solley & Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about May 19, 1921,

from the State of Maryland into the State of Illinois, of a quantity of an article of food, to wit, peas in hampers, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 5, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10269. Misbranding of canned crab meat. U. S. * * * v. George Solomon Tull (G. S. Tull & Co.). Plea of guilty. Fine, \$10 and costs. (F. & D. No. 15581. I. S. No. 7892-t.)

On February 1, 1922, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George Solomon Tull, trading as G. S. Tull & Co., Crisfield, Md., alleging shipment by said defendant, on or about May 18, 1921, in violation of the Food and Drugs Act, from the State of Maryland into the State of Pennsylvania, of a quantity of canned crab meat which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed a total shortage of 6.68 ounces in the 12 cans examined, an average shortage of 2.78 per cent from the declared weight.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "1-Lb. 4-Oz. Net Contents," borne on the cans containing the article, regarding the article, was false and misleading in that it represented that each of the said cans contained 1 pound 4 ounces net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 pound 4 ounces net of the said article, whereas, in truth and in fact, each of said cans did not contain 1 pound 4 ounces net of the said article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 1, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10270. Adulteration and misbranding of Bakers' Whip. U. S. * * * v. 9 Pounds 8 Ounces of Bakers' Whip. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13054. I. S. No. 3628-t. S. No. E-2444.)

On July 30, 1920, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 pounds and 8 ounces of Bakers' Whip, remaining unsold in the original packages at Bainbridge, Ga., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about July 1, 1920, and transported from the State of Missouri into the State of Georgia, and charging, in substance, adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "* * * Bakers Whip * * * Manufactured exclusively by W. B. Wood Mfg. Co., St. Louis, Missouri."

It was alleged in substance in the libel that the article was adulterated in violation of section 7 of the Food and Drugs Act, paragraphs 1, 2, and 4, under the title "Food," in that alum and phosphate baking powders, starch, and gum had been mixed and packed with, and substituted wholly or in part for, the said article and for the further reason that it was colored in a manner whereby its inferiority was concealed.

Misbranding was alleged in substance for the reason that the statements appearing in the labeling of the article, to wit, "Bakers' Whip An Egg Substitute * * * If you are looking for something to use in place of eggs, this is it. * * * Each one pound of Bakers' Whip is equal in strength to 50 eggs and should be used in like proportion * * * One fourth pound of Bakers Whip is equal to about 13 eggs * * *," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On June 21, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10271. Misbranding of lemon extract. U. S. * * * v. American Mutual Drug Co., Inc., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 14935. I. S. No. 9253-t.)

On October 3, 1921, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Mutual Drug Co., Inc., a corporation, Richmond, Va., alleging shipment by said company, on or about November 6, 1920, in violation of the Food and Drugs Act, as amended, from the State of Virginia into the State of North Carolina, of a quantity of lemon extract which was misbranded. The article was labeled in part: "American Mutual Drug Co. Mutual Brand Richmond, Va., U. S. A. * * * Alcohol 90% * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 77.1 per cent of alcohol.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Alcohol 90%," borne on the bottle and carton labels, regarding the quantity of alcohol contained in the said article, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 90 per cent of alcohol, whereas, in truth and in fact, the said article contained a less amount, to wit, 77.1 per cent by volume. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 10, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10272. Adulteration and misbranding of olive oil. U. S. * * * v. 15 Cans and 7 Cans * * * of Olive Oil. Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 15139, 15140. I. S. Nos. 5627-t, 5628-t. S. No. E-3413.)

On July 18, 1921, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, respectively, for the seizure and condemnation of 15 cans, $\frac{1}{4}$ gallon each, and 7 cans, $\frac{1}{2}$ gallon each, of olive oil, remaining unsold at Brockton, Mass., alleging that the article had been shipped by the Alpha Importing Co., New York, N. Y., on or about May 11, 1921, and transported from the State of New York into the State of Massachusetts, and charging misbranding, with respect to the former, and adulteration and misbranding, with respect to the latter, in violation of the Food and Drugs Act, as amended. The article contained in each of the respective sized cans was labeled in part: "Marconi Brand Finest Pure Olive Oil * * *."

Adulteration of the product contained in the half-gallon cans was alleged in the libel for the reason that a substance, to wit, oil other than pure olive oil, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength and had been substituted in part for pure olive oil, which the said article purported to be, and for the further reason that the said substance had been mixed with the said article in a manner whereby its damage and inferiority were concealed.

Misbranding of the product contained in the said half-gallon cans was alleged in substance for the reason that certain statements, to wit, "Marca Marconi Olio Purissimo D'Oliiva Guglielmo Marconi Marca Registrata * * * Half Full Gallon," together with the cut of Guglielmo Marconi and of the ocean and rising sun, borne on the labeling of the said cans, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented the said article to be pure olive oil made in a foreign country, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it was pure olive oil and that each of the said cans contained a full half gallon of the said article, whereas, in truth and in fact, it was not pure olive oil and was not made in a foreign country, but was an adulterated product composed in part of an oil other than olive oil and was made in the

United States of America, and the said cans did not contain a full half gallon of the said article. Misbranding of the product contained in the said half-gallon cans was alleged for the further reason that it was a product composed in part of oil other than olive oil, prepared in imitation of, and offered for sale under the distinctive name of, another article, to wit, pure olive oil. Misbranding was alleged with respect to the product contained in both sized cans for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the labeling thereof was more than the actual contents of the said packages.

On November 14, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal, in packages properly branded so as to show the correct weight and nature of the contents thereof.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10273. Adulteration and misbranding of butter color. U. S. * * * v. 15,680 Capsules * * * of Butter Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15404. I. S. No. 236-t. S. No. C-3247.)

On September 29, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15,680 capsules of butter color, at Chicago, Ill., alleging that the article had been shipped by T. Willard Ready, Niles, Mich., May 3, 1921, and transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that a substance, to wit, mineral oil, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality; for the further reason that the said substance had been substituted in part for an article of food containing edible oil, which the said article purported to be; and for the further reason that the said article had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the article was labeled in part on the box containing the same as follows, to wit, "Butter Color Capsules Each capsule will color 1 pound The color contained in these capsules is Yellow A. B. & O. B. and is guaranteed to comply with U. S. Department of Agriculture regulations. * * *" which statement was false and misleading and deceived and misled the purchaser in that it was applied to a product containing mineral oil.

On February 18, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10274. Misbranding of canned crab meat. U. S. * * * v. James C. W. Tawes. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 15430. I. S. No. 7886-t.)

On December 23, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James C. W. Tawes, Crisfield, Md., alleging shipment by said defendant, on or about May 19, 1921, in violation of the Food and Drugs Act, as amended, from the State of Maryland into the State of Pennsylvania, of a quantity of canned crab meat which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed a shortage of 2.54 pounds in the 5 five-pound cans examined, an average shortage of 10.16 per cent from the declared weight.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents 5 Lbs. Net," borne on the cans containing the said article, regarding the article, was false and misleading in that it represented that each of the said cans contained 5 pounds net of the article, and for the further reason that it was labeled as aforesaid so as to deceive

and mislead the purchaser into the belief that each of the said cans contained 5 pounds net of the said article, whereas, in truth and in fact, each of the said cans did not contain 5 pounds net of the said article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 23, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10275. Misbranding of strawberries. U. S. * * * v. Vance W. Miles. Plea of nolo contendere. Fine, \$5 and costs. (F. & D. No. 15448. I. S. Nos. 5958-t, 5960-t, 5963-t.)

On December 10, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Vance W. Miles, Marion Station, Md., alleging shipment by said defendant, on or about May 17 and 23, 1921, respectively, in violation of the Food and Drugs Act, as amended, from the State of Maryland into the State of New York, of quantities of strawberries in unlabeled crates, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 10, 1921, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$5 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10276. Adulteration and misbranding of chocolate cigars. U. S. * * * v. 28 Boxes * * * of Chocolate Cigars. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15655. I. S. No. 5262-t. S. No. E-3731.)

On January 18, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 28 boxes of chocolate cigars, remaining unsold in the original unbroken packages at Lynn, Mass., alleging that the article had been shipped by the National Cocoa Chocolate Co., Hoboken, N. J., on or about October 27, 1921, and transported from the State of New Jersey into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that foreign fat and an excessive quantity of cocoa shells had been mixed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for a product consisting only of chocolate, which the said article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Chocolate Cigars National Cocoa Chocolate Co.," borne and labeled on the boxes containing the said article, regarding the article and the substances and ingredients thereof, were false and misleading in that the said statement represented the article to be chocolate, to wit, an article free from adulteration and containing no foreign substance, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it was pure chocolate, to wit, an article free from adulteration and containing no foreign substance, whereas, in truth and in fact, the said article was not pure chocolate but was an adulterated article containing an excessive quantity of cocoa shells and containing a foreign substance, to wit, fat other than cocoa fat. Misbranding was alleged for the further reason that the article contained an excessive quantity of cocoa shells and a foreign substance, to wit, fat other than cocoa fat, and was an imitation of, and offered for sale under the distinctive name of, another article, to wit, chocolate.

On February 16, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10277. Adulteration and misbranding of extract of lemon. U. S. * * * v. 40 Bottles * * * of Extract of Lemon * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15656. I. S. No. 5509-t. S. No. E-3733.)

On January 22, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40 bottles of extract of lemon, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Leading Perfumers & Chemists, Inc., New York, N. Y., on or about November 17, 1921, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lepeco 2 Fluid Ounces Lemon * * * Leading Perfumers & Chemists, Inc. New York."

Adulteration of the article was alleged in substance in the libel for the reason that a substance deficient in lemon oil and containing little if any lemon oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for extract of lemon, which the said article purported to be, and for the further reason that the said substance had been mixed in a manner whereby its damage and inferiority to extract of lemon were concealed.

Misbranding was alleged in substance for the reason that the statement, to wit, "Extract Of Lemon * * * Strength Combined with delicacy of flavor makes this extract unexcelled," borne upon the carton and bottle labels, regarding the article and the substances and ingredients contained therein, was false and misleading in that the said statement represented the article to be extract of lemon, to wit, an article containing an appreciable and customary amount of oil of lemon, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was extract of lemon, to wit, an article containing an appreciable and customary amount of oil of lemon, whereas, in truth and in fact, the said article was not extract of lemon containing an appreciable and customary amount of oil of lemon, but was an adulterated article artificially colored, containing little, if any, lemon oil. Misbranding was alleged for the further reason that the article was an artificially colored product containing no lemon oil or a deficient quantity of lemon oil, and was an imitation of, and offered for sale under the distinctive name of, another article, to wit, extract of lemon.

On February 16, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10278. Misbranding of Aspirinal. U. S. * * * v. 23 Dozen Bottles of * * * Aspirinal, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15645, 15646, 15692, 15710, 15711, 15712, 15727, 15728. Inv. Nos. 35925, 35926, 35927, 35928, 35929, 35930, 35931, 35932. S. Nos. E-3664, E-3666, E-3668, E-3669, E-3670, E-3671, E-3678, E-3679.)

On or about December 6, 8, and 9, 1921, respectively, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 155½ dozen bottles of Aspirinal, remaining in the original unbroken packages at Baltimore, Md., consigned between the dates November 22, 1920, and November 10, 1921, alleging that the article had been shipped by the Aspirinal Laboratories, Inc., Atlanta, Ga., and transported from the State of Georgia into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sodium salicylate, camphor, menthol, extracts of plant drugs including cascara sagrada and belladonna, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements appearing in the labeling of the said article, regarding the curative and therapeutic effect thereof, to wit, "* * * Colds, Coughs, Influenza, LaGrippe. * * * Headache, Toothache, Earache, Stomach-Ache, Neuralgia, Sciatica, * * * Rheumatism, * * *," were false and fraudulent, since the said article did not contain any ingredients or combination of ingredients capable of producing the effects claimed.

On February 27, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10279. Adulteration of rabbits. U. S. * * * v. 5,100 Rabbits. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15734. I. S. No. 6038-t. S. No. E-3689.)

On December 12, 1921, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5,100 rabbits, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the Pawnee Poultry Co., Larned, Kans., on or about December 3, 1921, and transported from the State of Kansas into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On December 15, 1921, the Pawnee Poultry Co., Larned, Kans., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act. The product was subsequently sorted and 600 rabbits were found to be fit for food and the remainder were destroyed at a rendering plant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10280. Adulteration of anchovies in salt. U. S. * * * v. 8 Cases of Anchovies in Salt. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12430. I. S. Nos. 13474-r, 13489-r. S. No. E-2085.)

On May 3, 1920, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 cases of anchovies in salt, remaining in the original unbroken packages at New Castle, Pa., alleging that the article had been shipped by A. Paterno & Son, New Orleans, La., on or about February 9, 1920, and transported from the State of Louisiana into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Anchovies In Salt * * * Packed By Sherwood Sea Food Company, San Pedro, Calif. * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On January 21, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10281. Misbranding of Madame Dean female pills. U. S. * * * v. 11 Packages of Madame Dean Female Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13314. I. S. No. 9079-t. S. No. E-2585.)

On August 31, 1920, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 11 packages of Madame Dean female pills, remaining in the original unbroken packages at Mooresville, N. C., alleging that the article had been shipped by Martin Rudy, Lancaster, Pa., January 21, 1919, and July 2, 1920, respectively, and transported from the State of Pennsylvania into the State of North Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained quinine, aloes, iron sulphate, hydrastis, ginger, and cornstarch.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, (box label and wrapper)

"* * * Female Pills * * * give relief in Female Disorders of the menstrual function. * * * for Painful, Irregular, and Scanty Menstruation," (booklet)
 "* * * irregular, prolonged, or suppressed menstruation. * * * Female Pills afford relief for these ailments. * * * a remedy intended solely for the relief of Amenorrhoea, Dysmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system * * * especially valuable in the functional changes * * * of the menopause or change of life. * * * act on the circulatory system of the uterus, thereby relieving painful, irregular and scanty menstruation, and assist in re-establishing or restoring, the menstrual or monthly periods. * * * strengthen and build up the uterine function," (circular) "* * * a great relief against those general complaints the Female Sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel, * * * for irregular, painful, scanty or suppressed menstruations, * * * should be taken * * * to assist nature with * * * disorders * * * during the change of life period. * * * Continue with the treatment until they give relief. * * * great relief from Pains or Headache; * * * for suppressed Menstruation, * * * continue their use until relieved * * * take * * * until the menstrual flow commences again * * *," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 27, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10282. Adulteration of Honey Boy cordial. U. S. * * * v. 13 Sixteen-Gallon Kegs of Honey Boy Non-Alcoholic Cordial, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 13335. I. S. No. 241-r. S. No. E-2456.)

On August 10, 1920, the United States attorney for the Northern District of Florida, acting upon reports by the Secretary of Agriculture and the Commissioner of Agriculture of the State of Florida, filed in the District Court of the United States for said district libels for the seizure and condemnation of 43 sixteen-gallon kegs of Honey Boy Brand nonalcoholic cordial, remaining in the original unbroken packages at Tallahassee, Fla., alleging that the article had been shipped by the Honey Boy Cordial Co. (the Honey Boy Cider Co.), St. Louis, Mo., February 17 and 19, 1920, respectively, and transported from the State of Missouri into the State of Florida, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Honey Boy Brand * * * Non-Alcoholic Cordial * * * Manufactured By The Honey Boy Cordial Co. Saint Louis-New Orleans."

Adulteration of the article was alleged in substance in the libels for the reason that it consisted in part of a deleterious ingredient, to wit, saccharin, a coal-tar drug, which might render the said article injurious to health.

On February 6, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10283. Adulteration and misbranding of cider vinegar. U. S. * * * v. 10 Barrels of Alleged Cider Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 13833. I. S. No. 5386-t. S. No. E-2852.)

On November 1, 1920, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 barrels of alleged cider vinegar, remaining in the original unbroken packages at Providence, R. I., consigned by F. E. Jewett & Co., Lowell, Mass., alleging that the article had been shipped from Lowell, Mass., on or about June 17, 1920, and transported from the State of Massachusetts into the State of Rhode Island, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "* * * Pure Cider Vinegar Made From Apples by F. E. Jewett & Co., Lowell, Mass. * * *."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar had been mixed and packed with, and substituted wholly or in part for, cider vinegar.

Misbranding was alleged for the reason that the statement appearing on the label, "Pure Cider Vinegar Made From Apples," was false and misleading and deceived and misled the purchaser by representing the product to be pure cider vinegar made from apples, when it was not. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, cider vinegar.

On July 27, 1921, the National Association of Cider Manufacturers having entered an appearance as claimant for the property and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant therefor upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10284. Adulteration and misbranding of horseradish mustard. U. S. * * * v. 2 Barrels * * * of * * * Horseradish Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14666. I. S. No. 1584-t. S. No. C-2878.)

On March 25, 1921, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 barrels of horseradish mustard, remaining unsold in the original barrels at Columbus, Ohio, consigned by the Bayle Food Products Co., St. Louis, Mo., October 9, 1920, alleging that the article had been shipped from St. Louis, Mo., and transported from the State of Missouri into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Horseradish Mustard Colored and Flavored with Turmeric * * * Manufactured by the Bayle Food Products Co., St. Louis, Missouri."

Adulteration of the article was alleged in the libel for the reason that mustard hulls had been mixed and packed with, and substituted wholly or in part for, the said article and for the further reason that it had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the designation "Horseradish Mustard" was false and misleading and deceived and misled the purchaser and for the further reason that it was an imitation of, and offered for sale under the distinctive name of, another article.

On February 17, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10285. Misbranding of olive oil. U. S. * * * v. 12 Gallon Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15378. I. S. No. 5494-t. S. No. E-3551.)

On August 18, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 gallon cans of olive oil, remaining unsold at Boston, Mass., alleging that the article had been shipped by Crisafulli Bros., New York, N. Y., on or about June 23, 1921, and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Contains One Full Gallon Specialita Olio D'Oliiva Purissimo Crisafulli Brand * * * Importato Dall'Italia Da Crisafulli Bros. * * *."

Misbranding of the article was alleged in the libel for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "One Gallon," was incorrect and represented more than the actual contents of the said package.

On November 14, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal in a package or

packages properly branded to show the correct weight of the contents thereof. On February 2 a motion to vacate the order of sale and to permit the destruction of the product was filed, which motion was allowed and a warrant to destroy or sell the said product was issued.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10286. Misbranding of Castalian water. U. S. * * * v. 8 Dozen Bottles * * * of * * * Castalian Cal. Nat. Min. Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15650. I. S. No. 5534-t. S. No. E-3681.)

On December 12, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 dozen bottles of a product labeled "Castalian Cal. Nat. Min. Water," remaining unsold at Melrose, Mass., alleging that the article had been shipped by Ralph Smith, Santa Cruz, Calif., on or about October 7, 1921, and transported from the State of California into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Castalian Cal. Nat. Min. Water * * * Rheumatism, Dyspepsia, Skin Diseases, Stomach Troubles to Purify the Blood, * * * Kidney Complaints, Gravel and all other Urinary Troubles, * * * Sore Throat * * *"; (wrapper) "* * * Kidney and Stomach Disorders Catarrh and Impure Blood * * *"; (circular) "* * * Bright's Disease and other Kidney and Urinary Troubles, Rheumatism, Dyspepsia, Indigestion, Biliousness, and other stomach disorders, Catarrh, Scrofula, Quinsy, Tonsilitis, Diphtheria, Sore Throat from colds, Hay Fever, Chills and Fever, Varicose Veins, Diarrhoea, Inflammation, internal or external; Ulcerations, Leucorrhoea, Boils, Eczema, Salt Rheum and other skin diseases, Blood Poisoning, Poison Oak or Ivy, Sprains, Bruises, Burns and Cuts, Inflammatory Rheumatism, Lumbago, * * * Ulcers, Piles, Fever Sores, Abscesses, * * * Pleurisy, Erysipelas, * * * Gout, La Grippe, * * * Granulated Eyelids, Cold in the Head * * * Sick Headache, * * * Torpid Liver, * * * Sea Sickness, Cramps of the Stomach, * * * Retention of Urine, Diabetes, Private Diseases. * * * Bronchitis, * * * Scalds, * * * Sun Burn, * * * Cramps, Colic, Rash or Hives, * * * Catarrh of the Head, Stomach or Bladder, * * * Inflammation of Womb * * * Suppressed, Profuse or Painful Menstruations * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the dissolved mineral constituents were chiefly the chlorid, sulphate, carbonate, and bicarbonate of sodium.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements appearing on the bottle labels and wrappers and in the circular packed with the said product, regarding the curative and therapeutic effects of the said article, were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On February 16, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10287. Adulteration of concentrated tomato. U. S. * * * v. 5 Cases * * * of Concentrated Tomato. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15652. I. S. No. 5538-t. S. No. E-3713.)

On December 30, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 200 tins, of concentrated tomato, remaining unsold in the original unbroken packages at Worcester, Mass., alleging that the article had been shipped by Thomas Page, Albion, N. Y., on or about September 24, 1921, and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mt. Etna Brand Concentrated Tomato Stabelimento Di Conserva Alimentoria Napoli Style * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On February 16, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10288. Adulteration and misbranding of salad oil. U. S. * * * v. 14 Gallons of Salad Oil, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15904, 15905, 15906. I. S. Nos. 5535-t, 5536-t, 5537-t. S. No. E-3718.)

On December 20, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 44 gallons of salad oil, in part at Springfield and in part at Westfield, Mass., consigned on or about August 25, 1921, alleging that the article had been shipped by Nicholas Sadaka, New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part, "Finest Quality Table Oil Termini Imerese Type Net Contents One Gallon Cotton Seed Salad Oil Slightly Flavored with Olive Oil * * *." The remainder of the article was labeled in part, "Puritana Brand Olio Oliva Vergine Italy Lucca Toscana Contents 1 Gallon * * *."

Adulteration of the article was alleged in substance in the libels for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to alter or injuriously affect its quality and strength and had been substituted wholly or in part for the said article, and for the further reason that the said substance had been mixed therewith in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages; for the further reason that the packages or labels bore statements, designs, or devices, respectively, regarding the said article and the ingredients or substances contained therein, which were false and misleading and deceived and misled the purchaser; for the further reason that the said article was an imitation of, or offered for sale under the distinctive name of, another article, to wit, salad oil; and for the further reason that it purported to be a foreign product and contained a false statement on the label thereof as to the country in which it was manufactured or produced.

On February 16, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10289. Adulteration of scallops. U. S. * * * v. 20 Barrels of Scallops, et al. Default decrees of condemnation and forfeiture entered with respect to a portion of the product, and 3 boxes and 8 one-gallon cans ordered destroyed, and 5 barrels, 1 box, and 19 one-gallon cans ordered delivered to the Salvation Army. Consent decrees of condemnation and forfeiture entered with respect to the remainder of the product, and one case ordered destroyed and 22 barrels ordered delivered to the Salvation Army. (F. & D. Nos. 15907, 15908, 15909, 15883, 15884, 15885, 15886, 15887, 15888, 15889, 15890, 15891. S. Nos. E-3701, E-3702, E-3703, E-3704, E-3705, E-3709, E-3711, E-3715, E-3716, E-3717, E-3719, E-3743.)

On December 12, 13, 14, 15, 16, 19, and 21, 1921, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 27 barrels, 5 cases, and 27 one-gallon cans of scallops, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Wallace M. Quinn Co., Piner Bros., M. S. Lee, and Woodland & Co., of Morehead City, N. C., and M. C. Holland, of Beaufort, N. C., respectively, between the dates December 12 and 19, 1921, and transported from the State of North Carolina into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that a substance, water, had been mixed and packed with and substituted in part for scallops.

On January 2, 6, and 9, 1922, respectively, no claimant having appeared for a portion of the property, judgments of condemnation and forfeiture were

entered, and it was ordered by the court that 3 boxes and 8 one-gallon cans of the product be destroyed and that 5 barrels, 1 box, and 19 one-gallon cans thereof be delivered to the Salvation Army for consumption and not for sale. On January 17 and 18, 1922, respectively, judgments of condemnation and forfeiture were entered by consent as to the remainder of the product, and it was ordered by the court that one case of the product be destroyed and that 22 barrels thereof be delivered to the Salvation Army.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10290. Adulteration of loganberries. U. S. * * * v. 11 Cases and 19 Cases of Loganberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 650-c.)

On January 5, 1922, the United States attorney for the District of Maine, acting upon a report by an official of the Department of Agriculture of Maine, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 cases of loganberries, remaining unsold in the original unbroken packages at Bangor, Me., alleging that the article had been shipped by the Bay State Grocery Co., Boston, Mass., on or about November 25, 1921, and transported from the State of Massachusetts into the State of Maine, and charging adulteration in violation of the Food and Drugs Act. The article was labeled, respectively: "Irrington Brand Logan Berries" and "Special Extra Grade Logan Berries."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed vegetable substance.

On February 7, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10291. Misbranding of food sweetener. U. S. * * * v. 10 Pounds of Alleged Food Sweetener. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13050. I. S. No. 9363-r. S. No. E-2430.)

On or about July 19, 1920, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 pounds of alleged food sweetener, remaining in the original unbroken packages at Gainesville, Fla., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., June 28, 1920, and transported from the State of Missouri into the State of Florida, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Wood's Special Concentrated Sweetener. 500-500 Soluble in Cold Water. Not sold as a drug. W. B. Wood Mfg. Co., St. Louis, Mo."

Misbranding of the article was alleged in substance in the libel for the reason that the above quotation from the label of the cans containing the said article was false and misleading in that the said article was shown by chemical analysis to contain sucrose, sodium bicarbonate, saccharin, and cornstarch.

On August 14, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10292. Misbranding of Howells' Lymphine tablets. U. S. * * * v. 4 Packages of * * * Howells' Lymphine Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13572. I. S. No. 6292-t. S. No. E-2616.)

On September 2, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 packages of Howells' Lymphine tablets, at Paterson, N. J., alleging that the article had been shipped by Charles H. Howells & Co., New York, N. Y., on or about May 10, 1920, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Wrapper and bottle label) " * * * Nervous Prostration Dyspepsia, Nervous Indigestion * * * Catarrh, Melancholia Women At Change Of Life Premature Decay And All Nervous And Mental Diseases * * * "; (circular) " * * * Lymphine Tablets * * * Vitalizer * * * Restore Nerve and brain tissues * * * "

relieve all forms of weakness * * * not only alleviate, but in many cases cure mental and physical diseases * * * such as Neurasthenia, or Nervous Prostration, Depleted Nerve Force, Impoverished or Impure Blood, Diseases of the Digestive or Eliminative System, Nervous Dyspepsia, Female Disorders attendant on the 'Change of Life,' irregularities of Uterine Troubles generally, etc. * * * Improve Vital Powers In Both Sexes * * * of inestimable value to sufferers from locomotor ataxia. * * * Debility * * * Restore Youthful Vigor And Elasticity * * * Melancholia * * * For All Nervous and Mental Disorders * * * Liquor and Drug Addictions * * * The Best Remedy in Female Disorders * * * Catarrh * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of coated pills containing iron carbonate, aloes, nux vomica, and phosphorus.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effect of the said article were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 11, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10293. Adulteration and misbranding of vinegar. U. S. * * * v. 112 Dozen Bottles and 13 Jugs * * * of Vinegar. Decree entered with respect to the 112 dozen bottles of the product declaring it to be misbranded and ordering its release under bond. Default decree of condemnation, forfeiture, and destruction with respect to the 13 jugs of the product. (F. & D. Nos. 14181, 14182. I. S. Nos. 3202-t, 3204-t. S. Nos. C-2678, C-2679.)

On January 13 and 15, 1921, respectively, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 112 dozen bottles and 13 jugs of vinegar, at Calico Rock and Paragould, Ark., respectively, alleging that the article had been shipped by the Henderson Pickle & Vinegar Co. and the National Vinegar Co., respectively, of St. Louis, Mo., on or about April 20 and 28, 1920, respectively, and transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, respectively: (Bottles) "Henderson's Quality 16 Oz. Corn Sugar Vinegar * * * Packed By Henderson Pickle & Vinegar Co. St. Louis, Mo."; (jugs) "Golden West Brand Reduced to 4% Acidity Sugar & Distilled Vinegar Contents (in pencil) one Gallon Packed & Guaranteed By Southern Manufacturing Co. St. Louis."

Adulteration of the article was alleged in the libels for the reason that distilled vinegar or dilute acetic acid had been mixed and packed with, and substituted wholly or in part for, the said article.

Misbranding of the article was alleged in substance for the reason that the statements appearing on the respective labels, to wit, "Corn Sugar Vinegar" and "Sugar & Distilled Vinegar," were false and misleading and deceived and misled purchasers. Misbranding was alleged for the further reason that the article was an imitation of, and offered for sale under the distinctive name of, another article, and for the further reason that the said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On May 3, 1921, no claimant having appeared for the 13 jugs of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said 13 jugs be destroyed by the United States marshal. On December 13, 1921, the Calico Rock Grocer Co., Calico Rock, Ark., having entered an appearance as claimant for the 112 dozen bottles of the said product, judgment of the court was entered declaring this portion of the product to be misbranded and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act, conditioned in part that it be relabeled as "Imitation Corn Sugar Vinegar composed of Colored Distilled Vinegar" and that the declaration as to the quantity of the contents now reading "16 Ozs." be corrected to read "15 Fl. Ozs."

C. F. MARVIN, *Acting Secretary of Agriculture.*

10294. Adulteration and misbranding of flour macaroni. U. S. * * * v. 93 Boxes of Flour Macaroni. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 14378. I. S. No. 12131-t. S. No. W-853.)

On February 8, 1921, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 93 boxes of flour macaroni, at Reno, Nev., alleging that the article had been shipped by the California Macaroni Co., San Francisco, Calif., on or about September 16, 1920, and transported from the State of California into the State of Nevada, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce and lower its quality and strength and had been substituted (in part) for the said article. Adulteration was alleged for the further reason that the said article had been mixed with water in a manner whereby inferiority was concealed.

Misbranding was alleged in substance for the reason that the cases containing the said article bore the following label, to wit, "Flour Macaroni, Net Contents 6 Lbs. California Macaroni Co. Manufacturers of Alimentary Paste, San Francisco * * *" which statements were false and misleading in that the contents of the said cases were not flour macaroni, but were a mixture of flour macaroni and water, and for the further reason that the said contents were an imitation of, and were offered for sale under the distinctive name of, another article, to wit, flour macaroni.

On June 7, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10295. Adulteration of shell eggs. U. S. * * * v. Joe Lindsey and Robert E. Butler (Lindsey & Co.). Pleas of guilty. Fines, \$50 and costs. (F. & D. No. 14905. I. S. No. 387-t.)

On August 3, 1921, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joe Lindsey and Robert E. Butler, trading as Lindsey & Co., Choteau, Okla., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 2, 1920, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated.

Examination, by the Bureau of Chemistry of this department, of 720 eggs from the consignment showed the presence of 72, or 10 per cent, inedible eggs, consisting of black rots, mixed or white rots, spot rots, blood rings, blood rots, and chick rots.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On February 23, 1922, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate sum of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10296. Adulteration of canned peaches. U. S. * * * v. 176 Cases of * * * Canned Peaches. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 14949. I. S. No. 13477-t. S. No. C-2905.)

On May 20, 1921, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 176 cases of canned peaches, remaining unsold in the original packages at Ashland, Ky., consigned by the C. L. Applegarth Co., Baltimore, Md., on or about September 15, 1919, alleging that the article had been shipped from Baltimore, Md., and transported from the State of Maryland into the State of Kentucky, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Shield Brand Pie Peaches * * * J. S. Farren & Co., Inc., Distributors, Baltimore, Md.

* * *

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 15, 1921, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10297. Misbranding of molasses. U. S. * * * v. 60 Cases and 80 Cases of Canned Molasses * * *. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14950. I. S. Nos. 10852-t, 10853-t. S. No. W-951.)

On May 23, 1921, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 140 cases of canned molasses, remaining in the original unbroken packages at San Francisco and Oakland, Calif., respectively, alleging that the article had been shipped by the Alexander Molasses Co., Stock Yards, Cincinnati, Ohio, October 4, 1920, and transported from the State of Ohio into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, respectively: (Large can) "Dove Brand White Label New Orleans Molasses No. 10 Can Contains 9 Lbs. 3 Oz. Avd. * * * Alexander Molasses Company, General Offices Chicago"; (small can) "Dove Brand * * * Contains 4 Lbs. 10 Oz. Avd. * * *."

Misbranding of the article was alleged in the libel for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight or measurement, since the amount declared was not correct.

On June 23, 1921, P. M. Riley & Co., San Francisco, Calif., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,200, in conformity with section 10 of the act, conditioned in part that the said product be relabeled, respectively, "Net Contents 7 Lbs. 15 Ounces" and "Net Contents 4 Lbs. 3 Ounces."

C. F. MARVIN, *Acting Secretary of Agriculture.*

10298. Misbranding of Wesson oil. U. S. * * * v. 300 Cases of Wesson Oil. Consent decree entered for the release of the product under bond. (F. & D. No. 15621. I. S. No. 9315-t. S. No. E-3623.)

On or about November 25, 1921, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 cases, each containing 12 cans, of Wesson oil, remaining in the original unbroken packages at Jacksonville, Fla., consigned by the Southern Cotton Oil Co., Savannah, Ga., alleging that the article had been shipped from Savannah, Ga., on or about August 30, 1921, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Wesson Oil * * * 1 Quart Net The Southern Cotton Oil Co. * * *."

Misbranding of the article was alleged in substance in the libel for the reason that the statement appearing on the cans, to wit, "1 Quart Net," was false and misleading and deceived and misled the purchaser, since the said cans did not contain one quart net of the said article but did contain less than that amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement purporting to indicate the quantity was not correct.

On December 8, 1921, the Southern Cotton Oil Co., Savannah, Ga., claimant, having consented to a decree and having executed a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that the said claimant either empty and destroy the cans containing the product, or re-mark the said cans so as to correctly show the quantity of oil contained therein, or refill the said cans so that they would contain the quantity of oil which the label thereon indicated, judgment of the court was entered ordering the release of the product to the said claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10299. Adulteration of scallops. U. S. * * * v. 300 Gallons of Scallops * * *. Decree entered ordering the release of the product under bond. (F. & D. No. 15865. S. No. E-3750.)

On December 27, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 gallons of scallops, remaining in the original unbroken packages at Baltimore, Md., consigned on or about December 12, 1921, alleging that the article had been shipped by Wallace M. Quinn, Morehead City, N. C., and transported from the State of North Carolina into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the said article, to wit, scallop solids, had been wholly or in part abstracted therefrom.

On February 7, 1922, the Wallace M. Quinn Co., Morehead City, N. C., claimant, having admitted the material allegations of the libel, judgment of the court was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10300. Adulteration of canned evaporated milk. U. S. * * * v. 23 Cases of Canned Evaporated Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11641. I. S. No. 15945-r. S. No. E-1866.)

On November 26, 1919, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 23 cases of canned evaporated milk, at Wildwood, N. J., alleging that the article had been shipped by the Kennedy Creamery Co., Philadelphia, Pa., on or about November 7, 1919, and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, (cases) "Kennedy Creamery Co., * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On July 11, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

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United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

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SUPPLEMENT.

N. J. 10301-10350.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 22, 1922.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

10301. Misbranding of Princess Brand pennyroyal, tansy, and cotton root bark compound. U. S. * * * v. 3 Dozen Boxes of Princess Brand Pennyroyal, Tansy, and Cotton Root Bark Compound. Default decree ordering the destruction of the product. (F. & D. No. 13756. Inv. No. 26207. S. No. E-2765.)

On March 3, 1921, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 dozen boxes of Princess Brand pennyroyal, tansy, and cotton root bark compound, and subsequently an amendment to the said libel changing the amount of the said product from 3 dozen boxes as stated in the original libel to 69 packages, which product remained unsold in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped by Robert J. Pierce, Inc., New York, N. Y., on or about April 13, 1920, and transported from the State of New York into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted of pills containing aloes.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effect of the said article, appearing on the label of the box containing the article and in the accompanying circular, to wit, (box) " * * * A Safe, Reliable, Powerful, Yet Harmless Emmenagogue * * *," (circular) " * * * For use in the suppression of irregularities of the menses. These pills are efficient in their results, * * * In cases where the period is irregular, it is best to commence the use of these pills three or four days before the expected time by taking one pill every four hours until the time arrives. * * *," were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On March 1, 1922, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10302. Adulteration of oysters. U. S. * * * v. Charles Neubert (Charles Neubert & Co.). Plea of nolo contendere. Fine, \$100 and costs. (F. & D. No. 15070. I. S. Nos. 8275-t, 8276-t, 8277-t, 8278-t, 8279-t, 8280-t, 8281-t.)

On November 21, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the Dis-

trict Court of the United States for said district an information against Charles Neubert, trading as Charles Neubert & Co., Baltimore, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about February 2, 1921, from the State of Maryland into the State of West Virginia, of quantities of oysters which were adulterated. The article was labeled in part: "Neuberts * * * Oysters Known As The Best."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and had been substituted in part for oysters, which the said article purported to be.

On November 21, 1921, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10303. Misbranding of Lung Germine. U. S. * * * v. 73 Bottles of Lung Germine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15109. Inv. No. 30313. S. No. C-3092.)

On July 2, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 73 bottles of Lung Germine, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Lung Germine Co., Jackson, Mich., on or about March 19 and 28, 1921, respectively, and transported from the State of Michigan into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle label) "* * * Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Disease and Pulmonary Disorganization with Bronchial Irritation. (In Pre-tubercular Stages) * * * Use no other lung medicine while using Lung Germine. Read carefully the circular accompanying this bottle * * *"; (carton) "* * * Use no other lung medicine when using Lung Germine. Read carefully the circular accompanying this bottle. * * * Your Lungs Are They Weak Or Painful? Do your lungs ever bleed? Do you have night sweats? Are you short of breath? Have you pains in chest and sides? Do you spit yellow and black matter? Do you have pains under your shoulder blades? These Are Regarded Symptoms of Lung Trouble. Do Not Neglect These Symptoms. Keep Lung Germine in your home ready for immediate use at the first sign of Membraneous Lung Disease or Bronchial Irritation. * * * Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Disease and Pulmonary Disorganization with Bronchial Irritation (In Pre-tubercular Stages) * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sulphuric acid, alcohol, and water, with small quantities of iron sulphate, spices, and material derived from cod-liver oil.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the package failed to bear a statement on the label thereof of the quantity or proportion of alcohol contained therein.

On September 20, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10304. Adulteration and misbranding of table oil. U. S. * * * v. 20 Cans * * * of Table Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15117. I. S. No. 678-t. S. No. C-3094.)

On July 7, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the Dis-

strict Court of the United States for said district a libel for the seizure and condemnation of 20 cans of table oil, at Chicago, Ill., alleging that the article had been shipped by Campas & Co., New York, N. Y., May 19, 1921, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged in substance for the reason that the cans containing the article were labeled, marked, and branded as follows, to wit, "Finest Quality Table Oil Termini Imerese Type Net Contents One Gallon Cotton Seed Salad Oil Slightly Flavored with Olive Oil," together with a design showing natives picking olives, which statements and design were false and deceived and misled the purchaser in that they represented that the said article was "Finest Quality Table Oil" and that each of the said cans contained one gallon thereof, whereas, in truth and in fact, the said article consisted of cottonseed oil and each of the said cans contained less than one gallon thereof. Misbranding was alleged in substance for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, "Finest Quality Table Oil," and for the further reason that the article was food in package form, and did not have a statement of the contents plainly and conspicuously marked on the outside of the package in terms of weight or measure in that the variation between the amount stated in the said label and the quantity of the contents was not a reasonable variation.

On February 18, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10305. Adulteration of raisins. U. S. * * * v. 1417 * * * Cartons of Raisins. Judgment by consent ordering release of the product under bond. (F. & D. No. 15229. I. S. No. 166-t. S. No. C-3132.)

On July 20, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,417 cartons of raisins, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by E. R. Sandford, Cambridge, Mass., on or about July 6, 1921, and transported from the State of Massachusetts into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cartons) "25 Lbs. Net Baker's Sun-Maid Bulk Seeded Muscat Raisins California Associated Raisin Company, Fresno, California * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in large part of a filthy, decomposed, and putrid vegetable substance.

On January 18, 1922, George W. Teasdale, St. Louis, Mo., claimant, having filed a claim and answer to the libel admitting the allegations of the libel and praying release of the product for the purpose of salvage, judgment of the court was entered ordering the release of the product to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the said product be sorted and that such portion thereof as should be determined by representatives of this department as unsuitable for sale and consumption as food be destroyed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10306. Adulteration of canned red pimentos. U. S. * * * v. 348 Cases * * * of Red Pimentos. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15323. I. S. No. 4933-t. S. No. C-3161.)

On August 16, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 348 cases of red pimentos, at Chicago, Ill., alleging that the article had been shipped by the California Packing Corp., San Francisco, Calif., November 1, 1920, and transported from the State of California into

the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Broken Red Pimientos * * * Packed By California Packing Corporation * * * San Francisco, California."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy vegetable substance, for the further reason that it consisted in part of a decomposed vegetable substance, and for the further reason that it consisted in part of a putrid vegetable substance.

On November 30, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10307. Adulteration and misbranding of spaghetti and vermicelli. U. S. * * * v. 11 Cases * * * of Spaghetti, et al. Default decrees of condemnation and forfeiture. Products delivered to charitable institution for consumption and not for sale. (F. & D. Nos. 15362, 15363. I. S. Nos. 182-t, 185-t, 186-t. S. Nos. C-3198, C-3200.)

On or about September 16, 1921, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 11 cases and 9 cartons of spaghetti and 3 cartons of egg vermicelli, remaining in the original packages at Springfield, Ill., alleging that the articles had been shipped by the Crescent Macaroni & Cracker Co., Davenport, Iowa, on or about January 31, February 1, and April 18, 1921, respectively, and transported from the State of Iowa into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The spaghetti was labeled in part, "Crescent Brand Spaghetti For Fine American Trade * * * Crescent Macaroni And Cracker Co. Davenport, Iowa * * *." The vermicelli was labeled in part, "Crescent Brand Egg Vermicelli * * * Also known As Fine Egg Noodles. * * *."

It was alleged in the libels that the articles were adulterated in that a low grade flour product had been mixed and packed with, and substituted wholly or in part for, the articles, and in substance that the vermicelli was adulterated in that a product containing an insufficient amount of egg solids had been mixed and packed with, and substituted wholly or in part for, the article.

Misbranding was alleged in substance for the reason that the statements appearing on the labels of the respective articles, to wit, "* * * Egg Vermicelli Also Known As Fine Egg Noodles * * * From it are made some of the most savory egg-noodle dishes; and for fine, rich egg-noodle soups, it is unsurpassed. * * * Patent Durum, the cream of macaroni wheat flour, is used * * *," and "Spaghetti For Fine American Trade," and the statement "Net Weight 7 Oz.," appearing on a portion of the spaghetti, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were imitations of, and were offered for sale under the distinctive names of, other articles. Misbranding was alleged with respect to a portion of the spaghetti for the further reason that it was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 17, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be delivered to the Springfield Home for the Friendless, a charitable institution of Springfield, Ill., for consumption and not for sale.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10308. Adulteration of oysters. U. S. * * * v. John F. Javins and Francis H. Javins (C. H. Javins & Son). Pleas of nolo contendere. Fines, \$50. (F. & D. No. 15451. I. S. Nos. 8716-t, 8717-t, 8720-t, 8721-t, 8793-t, 8821-t.)

On or about February 23, 1922, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against John F. Javins and Francis H. Javins, trading as C. H. Javins & Son, Washington, D. C., alleging that on January 13, 14, and 26, and February 4 and 25, 1921, respectively, the said defendants did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, quantities of oysters which were adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for oysters, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, oyster solids, had been in part abstracted.

On February 23, 1922, the defendants entered pleas of *nolo contendere* to the information, and the court imposed fines in the aggregate sum of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10309. Adulteration of currants. U. S. * * * v. Silas A. Birdsong, Thomas H. Birdsong, and George S. Birdsong (Birdsong Bros.). Pleas of guilty. Fine, \$100. (F. & D. No. 15563. I. S. No. 7845-t.)

On January 19, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Silas A. Birdsong, Thomas H. Birdsong, and George S. Birdsong, copartners, trading as the Birdsong Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, November 30, 1920, from the State of New York into the State of Pennsylvania, of a quantity of currants which were adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the presence of live beetles, fuzzy nests or egg cases, and much loose excreta.

Adulteration of the article was alleged in the information for the reason that it consisted wholly or in part of a filthy and decomposed and putrid vegetable substance.

On February 6, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10310. Adulteration and misbranding of Wood's special concentrated sweetener. U. S. * * * v. 3 Cans of * * * Wood's Special Concentrated Sweetener. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 12997. I. S. No. 3329-r. S. No. W-623.)

On or about July 3, 1920, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 cans of Wood's special concentrated sweetener, remaining unsold in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., June 14, 1920, and transported from the State of Missouri into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Wood's Special Concentrated Sweetener 500 * * *."

Adulteration of the article was alleged in substance in the libel for the reason that an imitation product had been substituted for a food sweetener, which the product purported to be; and for the further reason that the said article contained an added deleterious ingredient, saccharin, which might render it injurious to health.

Misbranding was alleged in substance for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article; and for the further reason that the statement, "Special Concentrated Sweetener 500," appearing on the can containing the article, was false and misleading and deceived and misled the purchaser in that the said statement represented the article as being 500 times sweeter than sugar, when it was not.

On August 17, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10311. Adulteration of shell eggs. U. S. * * * v. Martin Luther Reed (M. L. Reed). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 14364. I. S. No. 374-t.)

On August 3, 1921, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

Martin Luther Reed, trading as M. L. Reed, Oologah, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 27, 1920, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of the 360 eggs involved in the shipment showed the presence of 79, or 21.94 per cent, inedible eggs, consisting of black rots, mixed or white rots, spot rots, large blood rings, blood rots, and chick rots.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On March 29, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10312. Adulteration of shell eggs. U. S. * * * v. John E. Campbell (John E. Campbell & Son). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 14507. I. S. Nos. 373-t, 376-t.)

On August 3, 1921, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John E. Campbell, trading as John E. Campbell & Son, Talala, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 27 and 28, 1920, respectively, from the State of Oklahoma into the State of Kansas, of quantities of shell eggs which were adulterated.

Examination, by the Bureau of Chemistry of this department, of the 720 eggs in each of the respective shipments showed the presence of 276 and 83, respectively, inedible eggs, a percentage of 38.33 and 11.52, respectively; mixed or white rots, spot rots, heavy blood rings, blood rots, and chick rots were found in both of the consignments and a number of black rots were found in the consignment of July 27.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On March 30, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10313. Adulteration of shell eggs. U. S. * * * v. William M. Lake, John D. Lake, Elizabeth Lake, Lewis T. Byers, and Ella Byers (Lake Mercantile Co.). Pleas of guilty. Fine, \$250 and costs. (F. & D. No. 14509. I. S. Nos. 379-t, 381-t, 383-t, 386-t, 388-t.)

On August 3, 1921, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William M. Lake, John D. Lake, Elizabeth Lake, Lewis T. Byers, and Ella Byers, copartners, trading as the Lake Mercantile Co., Choteau, Okla., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about July 29, 30, and 31 and August 2 and 3, 1920, respectively, from the State of Oklahoma into the State of Kansas, of quantities of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of a sample from each of the consignments showed the following results:

Consignment.....	July 29	July 30	July 31	Aug. 2	Aug. 3
Number of eggs examined.....	360	360	1,080	2,520	720
Black rots.....	2	.....	11	8	2
Mixed or white rots.....	11	35	49	27	18
Spot rots.....	8	.....	2	16	6
Blood rings.....	12	120	160	48	22
Blood rots.....	1	34	14	27	4
Chick rots.....	1	12	29	67	.....
Total inedible eggs.....	35	201	265	193	52
Per cent of inedible eggs.....	9.72	53.08	24.5	7.6	7.22

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, putrid, and decomposed animal substance.

On March 29, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$250 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10314. Adulteration of shell eggs. U. S. * * * v. Allan W. Campbell and Leslie Campbell (Cash Mercantile Co.). Pleas of guilty. Fine, \$50 and costs. (F. & D. No. 14553. I. S. No. 372-t.)

On August 3, 1921, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Allan W. Campbell and Leslie Campbell, copartners, trading as the Cash Mercantile Co., Nowata, Okla., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about July 27, 1920, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of the 720 eggs involved in the consignment showed the presence of 109, or 15.14 per cent, inedible eggs, consisting of black rots, mixed or white rots, spot rots, heavy blood rings, blood rots and chick rots.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On March 29, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10315. Adulteration of walnut meats. U. S. * * * v. 5 Cases of * * * Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14675. I. S. No. 10590-t. S. No. W-894.)

On March 24, 1921, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases of walnut meats, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Thomas W. Simmons & Co., San Francisco, Calif., February 21, 1921, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On March 27, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10316. Misbranding of Lung Germine. U. S. * * * v. 9 Bottles of * * * Lung Germine * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15113. I. S. No. 10930-t. S. No. W-992.)

On July 6, 1921, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 bottles of Lung Germine, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Lung Germine Co., Jackson, Mich., June 9, 1921, and transported from the State of Michigan into the State of Oregon, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sulphuric acid, alcohol, and water, with small amounts of material derived from cod-liver oil, iron sulphate, and spices.

Misbranding of the article was alleged in substance in the libel for the reason that the bottles containing the said article failed to bear on the labels thereof a statement of the quantity and proportion of alcohol contained therein, in that the article contained 2.25 per cent of alcohol, whereas the labels falsely stated that it contained 10 per cent of alcohol. Further allegations in the libel with

reference to the false and fraudulent statements as to the curative and therapeutic effect of the said article, appearing in the labeling thereof, are substantially the same as those set forth in detail in Notice of Judgment No. 9958, to which reference is made.

On March 27, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10317. Misbranding of grape jam. U. S. * * * v. 9 Cases * * * of Grape Jam. Decree ordering release of the product under bond. (F. & D. No. 15662. I. S. No. 15002-t. S. No. E-3780.)

On February 15, 1922, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 cases of grape jam, at Pittsburgh, Pa., alleging that the article had been shipped by Schühle's Pure Grape Juice Co., Inc., Highland, N. Y., on or about November 28, 1921, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Schühle's * * * Grape Jam * * * Net Weight 1 Pound * * * Schühle's Pure Grape Juice Co., Inc. Highland, Ulster Co. N. Y."

Misbranding of the article was alleged in substance in the libel for the reason that the statement "Net Weight 1 Pound," appearing in the labeling of the said article, was false and misleading and deceived and misled the purchaser in that the said article was short weight. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 13, 1922, Schühle's Pure Grape Juice Co., Inc., having entered an appearance as claimant for the property and having filed a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that all false and misleading statements be removed from the labeling of the article, and that it be sold only in compliance with the provisions of the said Food and Drugs Act, judgment of the court was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10318. Adulteration of tomato paste. U. S. * * * v. 344 Cases * * * of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15663. I. S. Nos. 6726-t, 6727-t. S. No. E-3776.)

On February 16, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 344 cases of tomato paste, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Felix Gross & Co., San Francisco, Calif., on or about January 12, 1922, and transported from the State of California into the Commonwealth of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Martino Brand Salsa Di Pomodoro Tomato Paste Italian Style * * * Packed By Martinez Canning Co. Martinez, Cal."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On March 20, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10319. Misbranding of Make-Man tablets. U. S. * * * v. 58 Boxes * * * of Make-Man Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15696. Inv. No. 33746. S. No. C-3321.)

On December 7, 1921, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 58 boxes of Make-Man tablets, at Houston, Tex., alleging

that the article had been shipped by the Ossenbrink Drug Co., West Point, Iowa, on or about October 10, 1921, and transported from the State of Iowa into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle label) "Make-Man Tablets * * * For The Treatment Of Rheumatism, Neuralgia, Catarrh, Wasting Diseases, Nervous Debility, * * * And All Kindred Diseases Resulting From A Worn-out Nervous System * * * Natures Greatest Aid To Repair The Nervous System And The Ideal Remedy For All Nervous Trouble * * *"; (circulars) "General Directions * * * Make-Man Tablets * * * Natures Greatest Aid To Repair The Nervous System And The Ideal Remedy For All Nervous Trouble. * * * for building up the * * * Nerves, * * * the ideal remedy for all Blood and Nerve disorders. * * * an effective remedy for Nervous Debility, Prostration, Sleeplessness, Wasting Diseases, Rheumatism, Catarrh and all kindred diseases resulting from a worn-out, run-down nervous system * * *"; "Free Medical Advice * * * To Nervous People Appealing To The Sick Nerve Cells Of All Mankind * * * Take 4 Tablets each day * * *"; "Statement Of Case * * * For Men * * * Are you nervous? Easily excited? Inclined to despondency? Easily discouraged? Seminal emissions at night? How often? With or without erections? Strong or weak desire for sexual intercourse? * * * Have you used Make-Man Tablets? * * * For Women * * * Are you nervous? Easily excited? Easily discouraged? Inclined to despondency? * * * Suffer with seminal weakness? Loss of ambition? Strong or weak desire for sexual intercourse? * * * Have you used Make-Man Tablets? * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets consisted essentially of iron carbonate, arsenic, a laxative vegetable drug, and strychnine phosphate, coated with a mixture of sugar and calcium carbonate.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative or therapeutic effects of the said article, appearing on the label of the bottle containing the same and in the accompanying circulars were false and fraudulent, since the article contained no ingredients or combination of ingredients capable of producing the effects claimed.

On April 1, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10320. Adulteration of skimmed milk powder. U. S. * * * v. One Drum of Skimmed Milk Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8601. I. S. No. 8527-p. S. No. C-761.)

On December 1, 1917, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one drum of skimmed milk powder, remaining in the original package at Dallas, Tex., alleging that the article had been shipped by the Sethness Co., Chicago, Ill., on or about July 2, 1917, and transported from the State of Illinois into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "License No. 9 * * * From Sethness Company, 718 Curtis Street, Chicago, Illinois."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On March 3, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10321. Misbranding of The Texas Wonder. U. S. * * * v. 114 Bottles of The Texas Wonder, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 9383, 9422, 9914. I. S. Nos. 6266-r, 6805-r, 6400-r. S. Nos. C-987, C-1004, C-1099.)

On October 10 and December 13, 1918, and March 19, 1919, respectively, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the

United States for said district libels for the seizure and condemnation of 396 bottles of The Texas Wonder, remaining in the original packages at Dallas, Tex., alleging that the article had been shipped by E. W. Hall, St. Louis, Mo., on or about September 19 and October 19, 1918, and February 17, 1919, respectively, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Carton) " * * * The Texas Wonder, for Kidney and Bladder Troubles, Diabetes, Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children. * * * "; (circular) "Louis A. Portner * * * testified * * * he began using The Texas Wonder for stone in the kidneys, inflammation of the bladder and tuberculosis of the kidneys * * * was still using the medicine with wonderful results, and his weight had increased * * * "; (shipping case) "Dr. E. W. Hall." The remainder of the article was labeled substantially the same on the cartons and circulars.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, guaiac resin, extracts of rhubarb and colchicum, an oil similar to turpentine oil, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing on the cartons and in the accompanying circulars were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed, to wit, the treatment and cure of kidney and bladder trouble, diabetes, weak and lame backs, rheumatism, gravel, bladder trouble in children, stone in the kidneys, and tuberculosis of the kidneys. Misbranding was alleged with respect to a portion of the said article for the further reason that the name "Dr. E. W. Hall" appearing on the shipping cases containing the said portion constituted a false statement and was false and misleading in that E. W. Hall was not a physician or doctor and was not entitled to use the title of doctor or to represent himself as such.

On March 3, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10322. Misbranding of cottonseed cake. U. S. * * * v. Texas Refining Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 14351. I. S. No. 24776-r.)

On August 3, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Texas Refining Co., a corporation, Greenville, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 12, 1920, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: " * * * Ordinary Cracked Cotton Seed Cake Manufactured by Texas Refining Company Greenville, Texas. * * * "

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the presence of 41.79 per cent of crude protein.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "100 Pounds (Net)" and "Guaranteed Analysis: Crude Protein Not Less Than 43.00 per cent," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that each of the said sacks contained 100 pounds net of the article and that the said article contained not less than 43 per cent of crude protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 100 pounds net of the article and that the said article contained not less than 43 per cent of crude protein, whereas, in truth and in fact, each of the said sacks did not contain 100 pounds net of the article but did contain a less amount, and the said article did contain less than 43 per cent of crude protein, to wit, 41.79 per cent of crude protein.

On January 9, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10323. Adulteration and misbranding of tomato catsup. U. S. * * * v. 25 Cases * * * of Royal Kitchen Brand Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14495. I. S. No. 7855. S. No. E-3147.)

On March 2, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases of Royal Kitchen Brand tomato catsup, remaining in the original unbroken packages at Elizabethport, N. J., alleging that the article had been shipped by Thomas Page, Albion, N. Y., on or about December 8, 1920, and transported from the State of New York into the State of Pennsylvania, and reshipped into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "* * * Royal Kitchen Brand Tomato Catsup Is Made From Selected Tomatoes Guaranteed Free From Any Artificial Coloring Or Any Other Injurious Substances. Contents 10 Oz."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged for the reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On January 19, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10324. Adulteration of canned sugar corn. U. S. * * * v. 43 Cases of Garden of Eden Sugar Corn. Default decree ordering destruction of the product. (F. & D. No. 14858. I. S. No. 8801-t. S. No. E-3354.)

On May 10, 1921, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 43 cases of Garden of Eden sugar corn, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the Jacob C. Shafer Co., Baltimore, Md., on or about June 16, 1920, and transported from the State of Maryland into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Garden of Eden Sugar Corn, Easton, Talbot Co. Md. * * *"

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On October 12, 1921, no claimant having appeared for the property, judgment of the court was entered ordering the destruction of the product by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10325. Misbranding of Nervosex tablets. U. S. * * * v. 10 Boxes of Nervosex Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14953. Inv. No. 24221. S. No. C-3056.)

On May 25, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 boxes of Nervosex tablets, remaining in the original packages at Childress, Tex., alleging that the article had been shipped by the United Laboratories, St. Louis, Mo., on or about August 25, 1920, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Nervosex Tablets A compound of Nerve and Muscle Stimulants for Low Vitality, Lack of Energy, Sexual Weakness * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained zinc phosphid, calcium phosphate, an iron compound, and vegetable extractives, including nux vomica, in tablet form.

It was alleged in substance in the libel that the article was misbranded for the reason that the above-quoted statements appearing in the labeling thereof

were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On March 3, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10326. Misbranding of Boquette's family remedy. U. S. * * * v. 16 Bottles * * * of Boquette's Family Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15373. Inv. No. 30784. S. No. C-3212.)

On September 13, 1921, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 bottles of Boquette's family remedy, remaining in the original unbroken packages at Omaha, Nebr., alleging that the article had been shipped by M. F. Boquette, Council Bluffs, Iowa, on or about August 1, 1921, and transported from the State of Iowa into the State of Nebraska, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle label) " * * * For Chills and Fever, external and internal. For Rheumatism, Neuralgia, Lumbago, Heart Trouble, * * * Indigestion, Catarrh, Kidney Trouble, Stomach Trouble, Headache, Grippe, or Blood Diseases. It is a fine purifier and Nerve Tonic. * * * for female trouble and weaknesses * * * Blood Purifier * * * For Chills, Fever, Flu, Grip * * * For Mumps * * * For Female Complaints, Stomach Trouble, Bladder Troubles, Sore Throat, Kidney Troubles, Nervous Prostration, Headaches, Lamé Back, Hay Fever—For Goitre, * * * Coughs, Tuberculosis. Liver, Piles. * * * For Rheumatism, Paralysis, Dropsy, Inflamed and Swollen Limbs, and for Syphilis * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of approximately 3 per cent of magnesium sulphate, 2½ per cent of sodium nitrate, a small amount of extractives, and 93½ per cent of water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effect of the said article were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed.

On March 8, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10327. Adulteration and misbranding of orange squeeze. U. S. * * * v. 24 Gallons of * * * Orange Squeeze. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15405. I. S. No. 6985-t. S. No. E-3591.)

On September 29, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 gallons of orange squeeze, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the National Fruit Flavor Co., New Orleans, La., on or about July 16, 1921, and transported from the State of Louisiana into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that substances, to wit, sugar sirup, alcohol, orange oil, and gum, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for a product containing an appreciable amount of orange juice, which the said article purported to be. Adulteration was alleged for the further reason that the article had been mixed and colored in a manner whereby damage and inferiority had been concealed.

Misbranding was alleged for the reason that the label on the package containing the article bore a statement regarding the said article and the ingredients and substances contained therein, to wit, "Orange Squeeze * * * Prepared from the Natural Fruit * * * For Orangeade, Punches * * * National Fruit Flavor Company," which was false and misleading and deceived

and misled the purchaser when applied to a product containing the above-named ingredients and containing little or no orange juice. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On March 3, 1922, the National Fruit Flavor Co., New Orleans, La., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that the article be labeled "Squeeze (Orange Flavor) Imitation."

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10328. Misbranding of crab meat. U. S. * * * v. Wallace M. Quinn (The Wallace M. Quinn Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 15436. I. S. Nos. 152-t, 6660-t.)

On February 7, 1922, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wallace M. Quinn, trading as the Wallace M. Quinn Co., Crisfield, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about May 18, 1921, from the State of Maryland into the States of New York and Missouri, respectively, of quantities of crab meat which was misbranded.

Examination, by the Bureau of Chemistry of this department, of a sample from each of the consignments showed an average shortage in weight of 10.5 per cent and 10.6 per cent, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents 5 Lbs. Net," borne on the cans containing the article, regarding the article, was false and misleading in that the said statement represented that each of the said cans contained 5 pounds net of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 5 pounds net of the article, whereas, in truth and in fact, each of said cans did not contain 5 pounds net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 7, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10329. Adulteration of oranges. U. S. * * * v. 462 Boxes * * * of Oranges. Judgment of condemnation and forfeiture. Product released under bond. (F. & D. No. 16190. I. S. Nos. 5561-t, 5562-t. S. No. E-3803.)

On March 13, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 462 boxes of oranges, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Pepper Fruit Co., from Highland, Calif., on or about February 21, 1922, and transported from the State of California into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, respectively: "Century Brand, Riverside Fruit Co., Riverside, California"; and "Good Taste Brand Highland Oranges * * * Highland, California."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of a decomposed vegetable substance.

On March 15, 1922, the Pepper Fruit Co., Highland, Calif., having entered an appearance as claimant for the property and having filed a bond in the sum of \$2,000, in conformity with section 10 of the act, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10330. **Misbranding of Lungardia. U. S. * * * v. 5 Dozen Bottles or Packages of Lungardia, et al. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 11535, 11536. I. S. Nos. 3016-r, 3019-r. S. Nos. W-546, W-547.)

On December 1, 1919, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 14½ dozen bottles, or packages, of Lungardia, remaining unsold in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Lungardia Co., Dallas, Tex., on or about April 12 and September 18, 1919, respectively, and transported from the State of Texas into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of kerosene oil, turpentine oil, cassia oil, clove oil, extract from a laxative plant drug, sugar, gum, alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the label thereon failed to bear a statement of the quantity of alcohol contained in the said article, whereas it contained 1.2 per cent of alcohol. Misbranding was alleged in substance for the further reason that the following therapeutic effects of the said article were claimed in the labeling thereof, to wit, (carton) "Guard Your Lungs With Lungardia * * * Against Influenza Consumption Pneumonia * * * A Most Wonderful Remedy A Real Guardian For The Lungs * * * A Real Guardian * * * Against * * * Pneumonia And Consumption. * * * Compounded To Combat Influenza * * * In All Its Stages With Marvelous Success—Even After The Disease Has Reached * * * Acute Pneumonia, Reducing The Temperature Quickly And Opening The Lungs And Respiratory Organs As A 'Key Unlocks A Door.' * * * The Most Wonderful Remedy For Sore Throat, Croup And Diphtheria * * *," (circular) "Lungardia * * * will do more for the prevention and relief of Influenza, Pneumonia, Deep-seated Coughs * * * than any other known remedy. * * * Pneumonia, due to the presence of Influenza bacillus. The function of Lungardia is to destroy this germ, open up the respiratory organs, remove the thick masses of sputum, soothe and heal the irritation, * * * and remove the danger that * * * Consumption may not become active. * * * Knowing that thousands were dying daily from the Influenza and suffering from resultant conditions, * * * the Lungardia Company labored faithfully to put Lungardia on the market * * * to combat the disease, as well as the conditions preceding and following it. * * * wonderful results obtained from its use, * * * wonderful merits of Lungardia in deep-seated coughs * * * a few doses quickly opens up the respiratory organs and loosens the most deep-seated cough. * * * attacks the disease with power * * * In * * * Consumption, two or more doses may be taken daily, * * * If you have any annoying cough, * * * if you are recovering from Influenza, * * * if you have a hacking tight cough and sore lungs, * * * if suffering with acute Pneumonia, use Lungardia. You will find it to be all that it is represented * * *," (testimonials in circular) " * * * if one takes Lungardia soon enough, he or she simply will not contract the Influenza or Pneumonia. If they take it after the disease has asserted itself, it will begin from the first dose to arrest it. If * * * they have the persistent cough and sore lungs, that so often remain as an annoying condition, it will quickly dispel it; relief being noted in a very short time. * * * I have not known of Lungardia Failing In A Single Case. The Influenza or Pneumonia has no terror for me if I can get this remedy. * * * if this remedy was used in every home the dread of Influenza and Pneumonia * * * would be * * * eliminated * * * Influenza * * * a racking cough * * * a high fever * * * and lungs apparently closing fast. * * * Lungardia was administered. * * * within two hours fever was reduced to normal * * * patient easy and convalescent. * * * I have * * * suffered with a * * * persistent * * * deep-seated painful cough * * * for three weeks. * * * Lungardia * * * quickly reached the seat of the trouble, invading the cells of the lungs, loosening the phlegm from the throat, and as marvelous as it may seem, in thirty-six hours dispelling the cough * * *," (bottle label) "Guard Your Lungs With Lungardia * * * Against Influenza Consumption Pneumonia * * * A Most Wonderful Remedy A Real Guardian For

The Lungs * * * the most wonderful remedy for Sore Throat, Croup and diphtheria * * *," which claims and statements were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 27, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10331. Misbranding of Madame Dean female pills. U. S. * * * v. 17 Packages of Madame Dean's Female Pills (Special) and 3 Dozen Packages of Madame Dean's Pills (Single). Default decree ordering the destruction of the product. (F. & D. No. 13280. I. S. Nos. 9143-t, 9144-t. S. No. E-2655.)

On or about September 11, 1920, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district labels for the seizure and condemnation of 17 packages of Madame Dean female pills (special) and 3 dozen packages of Madame Dean pills (single), at Tampa and Miami, Fla., respectively, consigned by Martin Rudy, Lancaster, Pa., alleging that the article had been shipped from Lancaster, Pa., on or about June 21 and July 2, 1920, respectively, and transported from the State of Pennsylvania into the State of Florida, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the special strength pills contained quinine, aloes, iron sulphate, senecio flowers and herb, ginger, and cornstarch; and that the single strength pills contained quinine, aloes, iron sulphate, hydrastis, ginger, and cornstarch.

Misbranding of the article was alleged in substance in the libels for the reason that the labeling thereof bore the following statements, designs, and devices regarding the curative or therapeutic effects of the said article, to wit, (box label and wrapper) " * * * Female Pills * * * give relief in Female Disorders of the menstrual functions. * * * for Painful, Irregular and Scanty Menstruation * * *," (booklet) " * * * irregular, prolonged, or suppressed menstruation. * * * Female Pills afford relief for these ailments. * * * a remedy intended solely for the relief of Amenorrhoea, Dysmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system, * * * especially valuable in the functional changes * * * of the menopause or change of life. * * * Act on the circulatory system of the uterus, thereby relieving painful, irregular and scanty menstruation, and assist in re-establishing or restoring, the menstrual or monthly function [periods] * * *," (circular) " * * * a great relief against those general complaints the Female Sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel, * * * for irregular, painful, scanty or suppressed menstruations, * * * should be taken * * * to assist nature with * * * disorders * * * during the change of life period. * * * Continue with the treatment until they give relief. * * * great relief from Pains or Headache; * * * for suppressed Menstruation * * * continue their use until relieved * * * take * * * until the menstrual flow commences again," which were false and fraudulent in that the said article would not produce the curative and therapeutic effects which purchasers were led to expect by the said statements, designs, and devices, and which were applied thereto with a knowledge of their falsity for the purpose of defrauding purchasers thereof.

On March 3, 1922, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10332. Adulteration and misbranding of sparkling Burgundy and extra dry champagne. U. S. * * * v. 10 Cases of * * * Sparkling Burgundy * * * and 10 Cases of * * * Extra Dry Champagne * * *. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 13778. I. S. Nos. 13057-t, 13058-t. S. No. C-2552.)

On October 12, 1920, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 10 cases of sparkling Burgundy and 10 cases of extra dry champagne, remaining in the original unbroken packages at Memphis, Tenn., alleging that the articles had been shipped by H. G. Mumm & Co., Cincinnati, Ohio, on or about July 16, 1920, and transported from the State of Ohio into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: "H. G. Mumm & Co. Sparkling Burgundy Non-Alcoholic * * *" and "H. G. Mumm & Co. Extra Dry Champagne Non-Alcoholic * * *."

Adulteration of the articles was alleged in the libels for the reason that artificially carbonated imitation wine, or champagne, as the case might be, had been mixed and packed with and substituted wholly for sparkling Burgundy or extra dry champagne. Adulteration was alleged for the further reason that the said articles had been colored in a manner whereby their damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the labels of the said articles bore the statements, respectively, "H. G. Mumm & Co. Sparkling Burgundy" and "H. G. Mumm & Co. Extra Dry Champagne," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were imitations of, and were offered for sale under the distinctive names of, other articles, and for the further reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the said packages.

On March 9, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10333. Adulteration of canned salmon. U. S. * * * v. 498 Cases of Antler Brand Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14379. I. S. No. 3079-t. S. No. C-2738.)

On January 31, 1921, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 498 cases of Antler Brand canned salmon, remaining in the original unbroken packages at Memphis, Tenn., alleging that the article had been shipped by the Cascade Packing Co., Anacortes, Wash., on or about January 23, 1920, and transported from the State of Washington into the State of Tennessee, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Antler Brand Chum Salmon * * *"

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On March 9, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10334. Adulteration of shell eggs. U. S. * * * v. Robert Lee Tucker (R. L. Tucker). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 14549. I. S. Nos. 341-t, 347-t.)

On June 8, 1921, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Robert Lee Tucker, trading as R. L. Tucker, Ralston, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 14, 1920, from the State of Oklahoma into the State of Kansas, of quantities of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of the 3 cases involved in the consignments, each case containing 360 eggs, showed the following results:

	Two cases.	One case.
Black rots.....	7	3
Mixed or white rots.....	87	40
Spot rots.....	7	1
Blood rings, heavy.....	64	1
Blood rots.....	37	6
Chick rots 7 to 12 days.....	28	.....
Total inedible eggs.....	230	51
Per cent of inedible eggs.....	31.94	14.1

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On January 25, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10335. Adulteration of shell eggs. U. S. * * * v. William E. Seaman (Seaman Produce Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 14550. I. S. No. 336-t.)

On May 31, 1921, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William E. Seaman, trading as the Seaman Produce Co., Ponca City, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 7, 1920, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 4 cases taken from the consignment, each case containing 360 eggs, showed the presence of 255, or 17.7 per cent, inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, heavy blood rings, and chick rots.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On January 25, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10336. Adulteration of walnut meats. U. S. * * * v. 20 Boxes * * * of English Walnut Meats. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15360. I. S. No. 317-t. S. No. C-3202.)

On September 2, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 boxes of English walnut meats, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article, a rejected shipment, had been shipped from Sioux Falls, S. D., August 25, 1921, and transported from the State of South Dakota into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On March 8, 1922, T. M. Duche & Sons, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be labeled as follows: "Not to be used for food, or for the manufacture of food articles."

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10337. Misbranding of butter. U. S. * * * v. Corbett Ice Cream Co., a Corporation. Plea of guilty. Fine, \$15. (F. & D. No. 15595. I. S. No. 10977-t.)

On February 24, 1922, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Corbett Ice Cream Co., a corporation, trading at Cheyenne, Wyo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about June 20, 1921, from the State of Wyoming into the State of Colorado, of a quantity of butter which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, to wit, contained in cartons, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity was not stated.

On March 4, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$15.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10338. Adulteration and misbranding of orangeade sirup. U. S. * * * v. 5 Cases of Orangeade Sirup * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15932. I. S. No. 9331-t. S. No. E-3735.)

On January 21, 1922, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases of orangeade sirup, at Raleigh, N. C., alleging that the article had been shipped by the D. E. Reilly Co., Charleston, S. C., on or about October 6, 1921, and transported from the State of South Carolina into the State of North Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Reilly's Orangeade Syrup Prepared Only By D. E. Reilly Company Charleston, S. C. * * *"

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, invert sugar sirup, flavored with orange oil and phosphoric acid, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the statements appearing on the bottle containing the article, to wit, "Reilly's Orange [Orangeade] Syrup Made by our own special method, from pure cane sugar, and the flavoring of choice Oranges, combined with Fruit Acid, and the addition of harmless color * * *," together with the design of an orange, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that article was an imitation of, and was offered for sale under the distinctive name of, another article.

On or about March 6, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10339. Adulteration of oranges. U. S. * * * v. 462 Boxes and 396 Boxes * * * of Oranges. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16058, 16068. I. S. Nos. 1798-t, 1799-t. S. Nos. C-3439, C-3440.)

On February 21 and 24, 1922, respectively, the United States attorney for the District of Nebraska, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 858 boxes of oranges, at Omaha, Nebr., alleging that the article had been shipped in part by the California Fruit Growers Exchange from San Bernardino, Calif., and in part by said exchange, per the Bryn Mawr Fruit Growers Assn., from Redlands, Calif., on or about February 6 and 7, 1922, respectively, and transported from the State of California into the State of Nebraska, and charging adulteration in violation of the Food and Drugs Act. The article was variously labeled in part: "Togo Brand Crestline Association Redlands California"; "W Navels Redlands Oranges Cincinnatus Brand Crown Jewel"; "W Navels Eltoro Brand Crown Jewel Groves, Redlands, California."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On March 3, 1922, the Fruit Growers Exchange, claimant, having admitted the allegations of the libels and having consented to the entry of decrees of condemnation and forfeiture, judgments of the court were entered finding the product to be adulterated and ordering its delivery to the said claimant, upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$5,000, in conformity with section 10 of the act, conditioned in part that it be salvaged under the supervision of this department, the bad portion to be destroyed and the good portion to be released to the said claimant without conditions.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10340. Adulteration and misbranding of gelatin. U. S. * * * v. One Drum of Gelatin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10467. I. S. No. 12103-r. S. No. C-1269.)

On June 3, 1919, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one drum of gelatin, remaining in the original package at Cleburne, Tex., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about March 29, 1919, and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that glue had been substituted in whole or in part for pure food gelatin, and for the further reason that the article contained an added poisonous and deleterious ingredient, to wit, a quantity of zinc, which might render it injurious to health.

Misbranding was alleged in substance for the reason that the article was labeled and branded "Pure Food Gelatine," which said statement was false and misleading and deceived and misled the purchaser in that the said article was not in truth and in fact pure food gelatin, but was a mixture of gelatin, glue, and zinc. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale as, pure food gelatin.

On March 3, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10341. Adulteration and misbranding of canned red kidney beans. U. S. * * * v. 36 Cases * * * of Red Kidney Beans * * *. Judgment by consent ordering release of the product under bond. (F. & D. No. 12151. I. S. No. 8572-r. S. No. C-1738.)

On February 18, 1920, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 36 cases of red kidney beans, at Davenport, Iowa, alleging that the article had been shipped by the Central States Canning Co., Indianapolis, Ind., on or about July 21, 1919, and transported from the State of Indiana into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Central States Brand Red Kidney Beans * * * Packed by Central States Canning Company, Indianapolis, Indiana."

Adulteration of the article was alleged in substance in the libel for the reason that long cranberry beans had been substituted in whole or in part for red kidney beans.

Misbranding was alleged for the reason that the statement "Red Kidney Beans" was false and misleading and deceived and misled the purchaser when applied to long cranberry beans. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On October 18, 1921, the Central States Canning Co., Indianapolis, Ind., claimant, having admitted the material allegations of the libel, having consented to a decree, and having agreed to eliminate the words "Red Kidney" and to substitute therefor the words "Naga Uzura," judgment of the court

was entered finding the product improperly and unlawfully labeled and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that the words "Red Kidney" be not used in the labels thereof.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10342. Adulteration and misbranding of vanilla and tonka. U. S. * * * v. E. M. Matthews Co., Inc., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 13073. I. S. No. 16339-r.)

On October 8, 1921, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the E. M. Matthews Co., Inc., a corporation, Florence, S. C., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 5, 1919, from the State of South Carolina into the State of Georgia, of a quantity of vanilla and tonka which was adulterated and misbranded. The article was labeled in part: "Extract of Vanilla and Tonka Purity Strength Monogram Brand * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a weak hydro-alcoholic solution of vanillin, coumarin, and sugar, colored with caramel. The net contents and the amount of alcohol were incorrectly stated on the label.

Adulteration of the article was alleged in the libel for the reason that a solution of vanillin and coumarin, artificially colored, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for extract of vanilla and tonka, which the article purported to be. Adulteration was alleged for the further reason that the article was a product inferior to extract of vanilla and tonka, to wit, a solution of vanillin and coumarin, prepared in imitation of extract of vanilla and tonka, and was artificially colored with caramel so as to simulate the appearance of extract of vanilla and tonka and in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements, to wit, "Extract Of Vanilla And Tonka" and "Not Over 40% Alcohol," borne on the label pasted on the carton and bottle containing the article, the statement, to wit, "Contents 7 Fld. Drs.," borne on the label attached to the said carton, the statement, to wit, "Contents 5½ Fld. Drams," borne on the said carton, and the statement, "4 Fld. Drs.," borne on the label attached to the said bottle, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was extract of vanilla and tonka, that it contained approximately 40 per cent of alcohol, and that each of the said bottles contained 7 drams, 5½ drams, or 4 drams of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was extract of vanilla and tonka, that it contained approximately 40 per cent of alcohol and that each of the said bottles contained 7 drams, 5½ drams, or 4 drams of the said article, whereas, in truth and in fact, the article was not extract of vanilla and tonka but was in part a solution of vanillin and coumarin, artificially colored, it did not contain approximately 40 per cent of alcohol, but did contain a less amount, to wit, 12 per cent of alcohol, and each of the said bottles contained less than 7 fluid drams and more than 5½ fluid drams or 4 fluid drams of the article, to wit, approximately 6.13 fluid drams of the said article. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 7, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10343. Misbranding of Madame Dean female pills. U. S. * * * v. 60 Packages of Madame Dean Female Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13313. Inv. Nos. 18323, 18324. S. No. C-2380.)

On or about September 3, 1920, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the

seizure and condemnation of 36 packages of Madame Dean female pills (special) and 24 packages of Madame Dean female pills (single), remaining in the original packages at Dallas, Tex., alleging that the article had been shipped by Martin Rudy, Lancaster, Pa., on or about July 1, 1919, and June 23, 1920, respectively, and transported from the State of Pennsylvania into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the special strength pills contained quinine, aloes, iron sulphate, senecio flowers and herb, ginger, and cornstarch; and that the single strength pills contained quinine, aloes, iron sulphate, hydrastis, ginger, and cornstarch.

Misbranding of the article was alleged in substance in the libel for the reason that on the boxes containing the said article and in the booklets, wrappers, and circulars accompanying the same the following statements and claims appeared, (box label and wrapper) " * * * Female Pills * * * give relief in Female Disorders of the menstrual functions. * * * for Painful, Irregular and Scanty Menstruation * * *," (booklet) " * * * Irregular, prolonged, or suppressed menstruation. * * * Female Pills afford relief for these ailments. * * * a remedy intended solely for the relief of Amenorrhoea, Dysmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system, * * * especially valuable in the functional changes * * * of the menopause or change of life. * * * Act on the circulatory system of the uterus, thereby relieving painful, irregular and scanty menstruation, and assist in re-establishing or restoring, the menstrual * * * periods. * * * strengthen and build up the uterine function * * *," (circular) " * * * a great relief against those general complaints the Female Sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel, * * * for irregular, painful, scanty or suppressed menstruations, * * * should be taken * * * to assist nature with * * * disorders * * * during the change of life period. * * * Continue with the treatment until they give relief. * * * great relief from Pains or Headache; * * * for suppressed Menstruation * * * continue their use until relieved * * * take * * * until the menstrual flow commences again," which statements and claims regarding the curative and therapeutic effect of the said article were false and fraudulent for the reason that it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 3, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10344. Adulteration and misbranding of Bakers' Whip. U. S. * * * v. 7 Pounds of Bakers' Whip. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14795. I. S. No. 4491-t. S. No. C-2971.)

On or about April 22, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 pounds of Bakers' Whip, remaining in the original package at Dallas, Tex., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about March 24, 1921, and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Bakers' Whip An Egg Substitute * * * Manufactured exclusively by W. B. Wood Mfg. Co., Manufacturing Chemists St. Louis, Mo. * * *."

Adulteration of the article was alleged in substance in the libel for the reason that it was a mixture of starch, common baking powder, and artificial coloring and was not fit for use in the place of eggs. Adulteration was alleged for the further reason that the article was mixed and colored in a manner whereby its inferiority was concealed.

Misbranding was alleged in substance for the reason that the statements appearing in the label of the can containing the article, to wit, " * * * one pound * * * is equal in strength to 50 eggs" and " * * * one-fourth lb. of Bakers' Whip is equal to about 13 eggs," were false and misleading in

that the said article contained no ingredients equal to the ingredients of eggs.

On March 3, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10345. Misbranding of Deer Lick Springs water. U. S. * * * v. 22 Cases * * * of Deer Lick Springs Water. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14822. I. S. No. 6526-t. S. No. E-3254.)

On April 22, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 22 cases of Deer Lick Springs water, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from San Francisco, Calif., on or about December 11, 1920, and transported from the State of California into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Deer Lick Springs Water A Natural Medicine from Mother Earth A Valuable Aid to Physicians in the treatment of Diabetes, Cystitis, Bright's Disease, Acne, Eczema, Rheumatism An Internal Antiseptic * * * Directions: * * * In extreme cases increase dose to six ounces until improvement is noticed. * * * Bottled * * * by California Medicinal Springs Company San Francisco, U. S. A. * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the dissolved mineral matter consisted chiefly of chlorids of sodium, magnesium, and calcium, sulphate and bicarbonate of calcium, and sulphid of sodium.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements appearing on the bottle labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent for the reason that the article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On March 16, 1922, the California Medicinal Springs Co., San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department with labels in which the statements, "A Sulphur Water of Exceptional Potency * * * A Natural Tonic," had been substituted for the above-quoted curative and therapeutic claims.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10346. Adulteration and misbranding of flavor of lemon and flavor of vanilla. U. S. * * * v. E. M. Matthews Co., Inc., a Corporation. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 15254. I. S. Nos. 8653-t, 8654-t, 9249-t.)

On December 16, 1921, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the E. M. Matthews Co., Inc., a corporation, Florence, S. C., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 9, September 14, and October 25, 1920, respectively, from the State of South Carolina into the States of Virginia and Georgia, respectively, of quantities of flavor of lemon and flavor of vanilla, which were adulterated and misbranded. The articles were labeled in part, respectively: (Carton) "Matthews' Reliable Flavor Of * * * Lemon * * *"; (bottle) "Extract Of * * * Lemon * * * The E. M. Matthews Co., Inc. Florence S. C."; (carton) "Matthews' Reliable Flavor Of * * * Vanilla * * *"; (bottle) "Extract of Vanilla * * *" or "Pure Extract * * * Vanilla * * *."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the flavor of lemon was a dilute lemon extract strongly colored with turmeric and that the flavor of vanilla was a dilute vanilla extract fortified with vanillin and artificially colored.

Adulteration of the articles was alleged in substance in the information for the reason that substances, to wit, dilute lemon extract artificially colored, or

dilute vanilla extract fortified with vanillin and artificially colored, as the case might be, had been mixed and packed therewith so as to lower and reduce and injuriously affect their quality and strength and had been substituted in part for flavor of lemon and extract of lemon, or flavor of vanilla and extract of vanilla, which the said articles purported to be. Adulteration was alleged in substance for the further reason that the articles were products inferior to flavor of lemon and extract of lemon or flavor of vanilla and extract of vanilla, as the case might be, and were prepared in imitation of flavor of lemon and extract of lemon and colored with turmeric, or were mixtures composed in part of dilute vanilla extract fortified with vanillin and colored with caramel, as the case might be, so as to simulate the appearance of flavor of lemon and extract of lemon, or flavor of vanilla and extract of vanilla, as the case might be, in a manner whereby their inferiority to said articles was concealed.

Misbranding was alleged in substance for the reason that the statements, to wit, "Reliable Flavor of Lemon," "Purity, Strength, Delicacy of Flavor," "Extract of Lemon," and "Flavor of Vanilla, Purity, Strength, Delicacy of Flavor," "Extract Vanilla," and "Pure Extract Vanilla," borne on the labels of the cartons and bottles containing the said articles, as the case might be, regarding the articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the articles were flavor of lemon or vanilla and extract of lemon or vanilla, as the case might be, and for the further reason that the said articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were flavor of lemon or vanilla and extract of lemon or vanilla, as the case might be, whereas, in truth and in fact, they were not, but were mixtures composed in part of dilute lemon extract artificially colored or dilute vanilla extract fortified with vanillin and artificially colored. Misbranding was alleged in substance for the further reason that the articles were mixtures composed in part of dilute lemon extract artificially colored or dilute vanilla extract fortified with vanillin and artificially colored, prepared in imitation of flavor of lemon and extract of lemon or flavor of vanilla and extract of vanilla, as the case might be, and were offered for sale and sold under the distinctive names of other articles, to wit, flavor of lemon and extract of lemon or flavor of vanilla and extract of vanilla.

On March 7, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10347. Adulteration of shell eggs. U. S. * * * v. O'Daniel-Kennedy-Cummings Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 15587. I. S. No. 1500-t.)

On January 12, 1922, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the O'Daniel-Kennedy-Cummings Co., a corporation, Rutherford, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 21, 1921, from the State of Tennessee into the State of Alabama, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 360 eggs from the consignment showed the presence of 47, or 13 per cent, inedible eggs, consisting of black rots, mixed or white rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On March 31, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10348. Adulteration and misbranding of tea. U. S. * * * v. 1,120 Packages of King George Flowery Orange Pekoe Ceylon India Tea, et al. Judgment by consent ordering release of the products under bond. (F. & D. Nos. 15631, 15632, 15633, 15634, 15930, 15935, 15938, 15939. I. S. Nos. 9387-t, 9388-t, 9389-t, 9390-t, 9391-t, 9392-t, 9393-t, 9394-t, 9397-t, 9398-t, 9399-t, 9318-t, 9319-t. S. Nos. E-3650, E-3736, E-3737, E-3753.)

On or about December 5, 1921, and February 3 and 6, 1922, the United States attorney for the Eastern District of South Carolina, acting upon reports by

the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 75 one and one-fourth-ounce packages, 110 cases, one and three-fourth-ounce packages, 1,517 one and three-fourth-ounce packages, 1,383 one-fourth-pound packages, 38 one-half-pound packages, and 39 one-pound packages of tea of various brands, remaining unsold in the original unbroken packages at Charleston, Walterboro, and Georgetown, S. C., respectively, alleging that the articles had been shipped by the Bohea Importing Co., Baltimore, Md., between the dates September 23 and December 3, 1921, and transported from the State of Maryland into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled variously in part as follows: "King George Flowery Orange Pekoe Ceylon-India Tea Bohea Importing Co. Baltimore, U. S. A. * * * 1/4 Pound" (or "1/2 Pound") "Net Weight When Packed"; "Bohea's Special Orange Pekoe Ceylon Tea Net 1 3/4 Ozs. And Over * * *"; "Ladies Club Finest Grown * * * One Pound" (or "Half Pound") "Net Weight * * *"; "Mandarin Souchong English Breakfast Tea * * * Half Pound Net Weight * * *"; "Dragon Chop Specially Blended Mixed Tea * * * 4 Ozs. Net Weight * * *"; "Bohea Pure Teas 1 1/4 Ozs. Net & Over * * *"; "King George Scientifically Blended Green And Black Tea * * * 1/4 Pound Net Weight When Packed."

Adulteration of the King George Flowery Orange Pekoe tea and a portion of the Bohea Special Orange Pekoe tea was alleged in substance in the libels for the reason that substances, to wit, a grade or grades of tea other than that declared on the respective labels, had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality or strength and had been substituted wholly or in part for the articles. Adulteration was alleged with respect to a portion of the King George Flowery Orange Pekoe tea and a portion of the Bohea Special Orange Pekoe tea for the further reason that they had been mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance with respect to a portion of the articles for the reason that the packages containing the said portion bore certain statements, to wit, "Flowery Orange Pekoe" and "Special Orange Pekoe Ceylon Tea," which were false and misleading and tended to deceive and mislead the purchaser, since the said packages contained a grade or grades of tea other than that declared on the labels. Misbranding was alleged with respect to a portion of the article labeled "King George Flowery Orange Pekoe Tea" and a portion of that labeled "Special Orange Pekoe Ceylon Tea" for the further reason that they were imitations of, and were offered for sale under the distinctive names of, other articles. Misbranding was alleged in substance with respect to the articles with the exception of 100 packages labeled "King George Flowery Orange Pekoe Tea" for the reason that the statements on the respective labels, to wit, "One Pound Net," "Half Pound Net," "4 Ozs. Net," "1/4 Pound Net," "Net 1 3/4 Ozs. And Over When Packed," and "1 1/4 Ozs. Net & Over," were false and misleading and deceived and misled the purchaser, since the packages contained less than the quantities claimed on the labels. Misbranding was alleged with respect to the said portion for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the amounts stated were not correct.

On February 8, 1922, Harry A. Jones, trading as the Bohea Importing Co., Baltimore, Md., having entered an appearance as claimant for the property, judgment by consent was entered ordering that the products be released, to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the so-called 1 3/4-ounce packages be relabeled "Bohea's Special Orange Pekoe and other Choice Leaf Grades, 1 1/2 ozs. net weight," that the so-called 1/4-pound packages of King George Flowery Orange Pekoe tea be relabeled "Flowery Orange Pekoe and other Choice Leaf Grades, 1/4 pound net weight," and that the latter be returned to the consignor at Baltimore, Md., to be opened and any deficiency in weight made up so that the said packages should contain a full quarter pound.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10349. Adulteration of oranges. U. S. * * * v. 462 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16070. I. S. No. 5557-t. S. No. E-3789.)

On February 23, 1922, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 462 boxes of oranges, remaining unsold in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by F. H. Speich & Co., from Casa Blanca, Calif., February 8, 1922, and transported from the State of California into the State of Rhode Island, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Carnation Brand F. H. Speich & Co., Riverside, California, Wash. Navels." The remainder of the article was labeled in part: "Mountain Lion Brand * * * Wash. Navels."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On March 3, 1922, F. H. Speich & Co., Riverside, Calif., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,500, in conformity with section 10 of the act, conditioned in part that it be disposed of under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10350. Misbranding of Capitol hog remedy. U. S. * * * v. 29 Cartons of Capitol Hog Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12619. I. S. No. 171-r. S. No. E-2102.)

On April 29, 1921, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 29 cartons of Capitol hog remedy, remaining in the original unbroken packages at Aberdeen, N. C., consigned by the Capitol Food Co., Tiffin, Ohio, June 30, 1919, alleging that the article had been shipped from Tiffin, Ohio, and transported from the State of Ohio into the State of North Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of charcoal, powdered vegetable material, including nux vomica and wormseed, iron sulphate, magnesium sulphate, sodium carbonate, and sodium chlorid.

Misbranding of the article was alleged in substance in the libel for the reason that the carton containing the said article bore the following statements regarding the curative or therapeutic effects thereof, "Capitol Hog Remedy * * * A Superior * * * Remedy For Swine. Recommended for Hog Cholera, Scrofula, Inflammatory and all Contagious Diseases peculiar to swine; purifies the blood; * * * an invaluable remedy for Hog Cholera, Scrofula, Inflammatory conditions and all contagious diseases peculiar to Swine * * *," which were false and fraudulent in that the said article would not produce the curative or therapeutic effects which purchasers were led to expect by the said statements, and which were applied to the article with a knowledge of their falsity for the purpose of defrauding purchasers thereof.

On October 28, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

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United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

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[Approved by the Acting Secretary of Agriculture, Washington, D. C., July 19, 1922.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

10351. Misbranding of horse and mule feed. U. S. * * * v. Superior Feed Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 13077. I. S. Nos. 583-r, 16463-r.)

On January 14, 1921, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Superior Feed Co., a corporation, trading at Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 11 and October 29, 1919, respectively, from the State of Tennessee into the States of Florida and Georgia, respectively, of quantities of horse and mule feed which was misbranded. The article was labeled in part, respectively: "Black Jack Horse and Mule Feed Manufactured By The Superior Feed Co., Memphis, Tenn. * * *"; and "Lucky Strike Horse-Mule Feed * * *."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the Black Jack horse and mule feed contained 7.64 per cent of protein and 1.16 per cent of fat, and that the Lucky Strike horse-mule feed contained 6.01 per cent of protein and 19.66 per cent of crude fiber.

Misbranding of the article was alleged in substance in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 9.00% * * * Fat 2.00%," borne on the tags attached to the sacks containing the Black Jack horse and mule feed, and the statement, to wit, "Guaranteed Analysis Prot 9 * * * Fibre 15," borne on the tags attached to the Lucky Strike horse-mule feed, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article contained not less than 9 per cent of protein and not less than 2 per cent of fat, or not less than 9 per cent of protein and not more than 15 per cent of fiber, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 9 per cent of protein and not less than 2 per cent of fat, or not less than 9 per cent of protein and not more than 15 per cent of fiber, as the case might be, whereas, in truth and in fact, the said Black Jack horse and mule feed did contain less than 9 per cent of protein and less than 2 per cent of fat, to wit, approximately 7.64 per cent of protein and 1.16 per cent of fat, and the said Lucky Strike horse-mule feed did contain less than 9 per cent of protein and more than 15 per cent of fiber, to wit, approximately 6.01 per cent of protein and 19.66 per cent of fiber.

On September 15, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10352. Misbranding of Leslie's, Arthur's, and Thomas' emmenagogue pills. U. S. * * * v. 5 Packages of Leslie's Emmenagogue Pills, et al. **Default decrees ordering the destruction of the products.** (F. & D. No. 13291. I. S. Nos. 9146-t, 9147-t, 9148-t. S. Nos. E-2646, E-2671, E-2672.)

On or about September 11, 1920, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 5 packages of Leslie's emmenagogue pills, 5 packages of Arthur's emmenagogue pills, and 5 packages of Thomas' emmenagogue pills, remaining in the original unbroken packages at Tampa (Ybor City), Fla., consigned by the Palestine Drug Co., St. Louis, Mo., alleging that the articles had been shipped from St. Louis, Mo., on or about June 10, 1920, and transported from the State of Missouri into the State of Florida, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that each consisted essentially of iron sulphate, aloes, and vegetable extract, coated with a mixture of sugar and calcium carbonate, colored pink.

Misbranding of the articles was alleged in substance in the libels for the reason that the labels appearing on the boxes containing the said articles bore the following statements regarding the curative or therapeutic effects thereof, " * * * Emmenagogue Pills recommended for Ammenorrhoea, Dysmenorrhoea and other Menstrual Troubles. * * * Beginning Treatment * * * Before The Regular Monthly Period. * * * Continue * * * Until Relief Is Obtained," which were false and fraudulent in that the said articles would not produce the curative or therapeutic effects which purchasers were led to expect by the said statements, and which were applied to the said articles with a knowledge of their falsity for the purpose of defrauding purchasers thereof.

On March 3, 1922, no claimant having appeared for the property, judgments of the court were entered ordering that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10353. Adulteration and misbranding of Honey Boy cordial. U. S. * * * v. 36 Kegs of Honey Boy Cordial. **Default decree ordering destruction of the product.** (F. & D. No. 13673. I. S. Nos. 9138-t, 9139-t, 9140-t. S. No. E-2732.)

On or about September 13, 1920, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 36 kegs of Honey Boy cordial, remaining in the original unbroken packages at Miami, Fla., consigned by the Honey Boy Cordial Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about March 25, 1920, and transported from the State of Missouri into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Honey Boy Brand Non-Alcoholic Cordial * * * Manufactured by the Honey Boy Cordial Co., St. Louis, New Orleans." Ten kegs of the said article were further labeled, "Razzle Dazzle," and ten kegs thereof were further labeled, "Black Bird."

Adulteration of the article was alleged in the libel for the reason that a glucose and saccharin solution had been mixed and packed with, and substituted wholly or in part for, the said article, and for the further reason that it contained an added poisonous or deleterious ingredient, saccharin, which might render it injurious to health.

Misbranding was alleged in substance for the reason that the kegs in which the said article was inclosed contained a label which bore the following statement regarding the article and the ingredients and substances contained therein, to wit, "Honey Boy Non-Alcoholic Cordial," which was false and misleading. Misbranding was alleged for the further reason that the article was an imitation of, and offered for sale under the distinctive name of, another article.

On December 5, 1921, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10354. Misbranding of Phoenix shortening. U. S. * * * v. Phoenix Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 14309. I. S. No. 275-t.)

On April 13, 1921, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Phoenix Cotton Oil Co., a corporation, Memphis, Tenn., alleging shipment by said company, on or about April 3, 1920, in violation of the Food and Drugs Act, as amended, from the State of Tennessee into the State of Arkansas, of a quantity of Phoenix shortening which was misbranded. The article was labeled in part: "For All Cooking Phoenix The Ideal Shortening Memphis Tennessee Nothing Just As Good Net Weight 2 Lbs."

An examination of 6 cans of the product by the Bureau of Chemistry of this department showed an average net shortage of 2.25 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight 2 Lbs.," borne on the labels attached to the cans containing the article, regarding the article, was false and misleading in that it represented that each of the said cans contained 2 pounds net thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the cans contained 2 pounds net of the article, whereas, in truth and in fact, each of the said cans did not contain 2 pounds net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 3, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10355. Misbranding of cottonseed cake. U. S. * * * v. The Chickasha Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 14763. I. S. No. 18822-r.)

On June 29, 1921, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Chickasha Cotton Oil Co., a corporation, trading at Clinton, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 19, 1919, from the State of Oklahoma into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: (Tag) "The Chickasha Cotton Oil Co., Chickasha, Okla. * * * Manufacturers of Cotton Seed Products * * * 'Chickasha Quality' Cottonseed Cake or Meal * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 41.9 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis * * * Protein, not less than 43 per cent," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 43 per cent of protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas, in truth and in fact, the said article did contain less than 43 per cent of protein, to wit, 41.9 per cent of protein.

On February 9, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10356. Adulteration and misbranding of canned salmon. U. S. * * * v. 1,000 Cases and 1,000 Cases of Canned Salmon. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15637, 15640. I. S. No. 9321-t. S. Nos. E-3656, E-3661.)

On November 26 and 28, 1921, respectively, the United States attorney for the Northern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2,000 cases of canned salmon, remaining in

the original unbroken packages at Atlanta and Gainesville, Ga., or vicinity, alleging that the article had been imported from Vancouver, B. C., by the Kenai Packing Co., Seattle, Wash., and transported from Vancouver, B. C., into the State of Georgia, arriving at Atlanta on or about November 14, 1921, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) " * * * Talls Pink Salmon Kenai Packing Co., Drier Bay, Alaska * * * "; (cans) "Kay-Square Brand Select Pink Salmon * * * Keen-Eye Inspection. Fresh Fish. Clean Canneries * * *."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance, to wit, spoiled, putrid, and rotten salmon.

Misbranding was alleged in substance for the reason that the statement appearing in the labeling of both consignments of the article, "Keen-Eye Inspection," and the additional statement, "Fresh Fish," appearing in the labeling of a portion of the said article, and the statement, "Fresh Fish Inspected," appearing in the labeling of the remainder thereof, were false and misleading in that they misled the purchaser and created in the mind of the purchaser the belief that the said article had been carefully inspected and was sound and wholesome as an article of food, whereas, in truth and in fact, it was not.

On March 8, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10357. Adulteration of canned stringless beans. U. S. * * * v. 130 Cases * * * of Cut Stringless Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15976. Inv. No. 29831. S. No. E-3771.)

On February 11, 1922, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 130 cases of canned stringless beans, at McKeesport, Pa., alleging that the article had been shipped by the Webster-Butterfield Co., Baltimore, Md., on or about October 17, 1921, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Southern Queen Brand Cut Stringless Beans * * * Packed By Webster-Butterfield Co. Inc., Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 7, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10358. Misbranding of cane sirup. U. S. * * * v. 4 Dozen Small and 54 Large Cans of Cane Sirup * * *. Judgment by consent finding product to be misbranded and ordering its release under bond. (F. & D. No. 16055. I. S. Nos. 9477-t, 9478-t. S. No. E-3784.)

On February 17, 1922, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 dozen small cans and 54 large cans of cane sirup, at Raleigh, N. C., alleging that the article had been shipped by the Blackman-Morris Co., New Orleans, La., on or about January 7, 1922, and transported from the State of Louisiana into the State of North Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Purity Brand Pure Louisiana Cane Syrup * * *."

Misbranding of the article was alleged in substance in the libel for the reason that the respective statements appearing on the labels of the cans containing the said article, to wit, "Net Average Weight 5 Lbs. 2 Oz." (or "9 Lbs. 8 Oz.") "Guaranteed By Blackman-Morris Co. Under Food And Drugs Act, June 30th, 1906," were false and misleading and deceived and misled the purchaser. Misbranding was alleged in substance for the further reason

that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On or about March 13, 1922, the court having found the product to be misbranded as alleged in the libel, and the Blackman-Morris Co., New Orleans, La., having paid the costs of the proceedings and executed a bond in the sum of \$100, in conformity with section 10 of the act, judgment by consent was entered, and it was ordered by the court that the product be released to the said claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10359. Adulteration of melon and lemon jam. U. S. * * * v. 1,822 Cases * * * of Melon and Lemon Jam * * *. Judgment of condemnation and forfeiture. Product released under bond. (F. & D. No. 16186. Inv. No. 35451. S. No. E-3786.)

On February 24, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,822 cases of melon and lemon jam, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped from Brooklyn, N. Y., between the dates February 16 and May 5, 1921, and transported from the State of New York into the Commonwealth of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Melon & Lemon Jam * * * The Rosella Preserving and Manufacturing Co. Ltd., Melbourne, May, '19 Victoria, Australia."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On March 15, 1922, Eugene B. Harris, Boston, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond, in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10360. Misbranding of Am-O-Lox ointment and Am-O-Lox prescription. U. S. * * * v. Am-O-Lox Co., a Corporation. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 13081. I. S. Nos. 9096-r, 9097-r.)

On November 26, 1920, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Am-O-Lox Co., a corporation, Youngstown, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about September 7, 1918, and June 16, 1919, respectively, from the State of Ohio into the State of Missouri, of quantities of Am-O-Lox ointment and Am-O-Lox prescription, respectively, which were misbranded. The articles were labeled in part, respectively: "Am-o-lox Ointment for Eczema And All Skin Diseases * * * Prepared At The Am-O-Lox Laboratories, Youngstown, Ohio, * * *"; and "Am-o-lox Prescription for Eczema And All Diseases Of The Skin And Scalp * * *."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Am-O-Lox ointment was an ointment consisting essentially of zinc oxid, sulphur, phenol, methyl salicylate, and a small amount of an anilin dye in a base composed of a petroleum product (petrolatum and paraffin) and a waxy material; and that the Am-O-Lox prescription consisted essentially of glycerin, phenol, salicylic acid, methyl salicylate, anilin dye, alcohol, and water.

Misbranding of the articles was alleged in substance in the information for the reason that certain statements appearing on the cans and envelopes containing the Am-O-Lox ointment and on the cartons and bottles containing the Am-O-Lox prescription and in certain circulars accompanying both, falsely and fraudulently represented the former to be effective, when used in connection with Am-O-Lox soap and Am-O-Lox solution, as a treatment, remedy, and cure for eczema and all skin diseases, salt rheum, tetter, eczema of the hands, infantile eczema, psoriasis, eczema of the scalp, dandruff, falling out of hair, and all diseases of the scalp, barber's itch, ring worm, pim-

ples, blackheads, pruritus or itching piles, varicose ulcers, acne, piles, boils, ulcers, carbuncles, burns, running sores, red nose, itch of all kinds, and hives; and the latter to be effective, when used in connection with Am-O-Lox soap and Am-O-Lox ointment, as a treatment, remedy, and cure for eczema and all skin diseases, salt rheum, tetter, eczema of the hands, infantile eczema, psoriasis, eczema of the scalp, dandruff, falling out of hair, and all diseases of the scalp, barber's itch, ring worm, pimples, blackheads, pruritus or itching piles, varicose ulcers, acne, piles, boils, ulcers, carbuncles, burns, running sores, red nose, itch of all kinds, hives, herpes, lichen, syphilis, dermatitis, and ivy poisoning, when, in truth and in fact, the said articles would not be effective for the purposes claimed in the said statements.

On September 12, 1921, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10361. Adulteration and misbranding of Mol-Ha mixing feed. U. S. * * * v. Guy E. Patteson (G. E. Patteson & Co.). Plea of guilty. Fine, \$10 and costs. (F. & D. No. 13240. I. S. Nos. 6085-r, 6086-r.)

On January 31, 1921, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Guy E. Patteson, trading as G. E. Patteson & Co., Memphis, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about January 16 and 25, 1919, respectively, from the State of Tennessee into the State of Missouri, of quantities of Mol-Ha mixing feed which was adulterated and misbranded. The article was labeled in part: "100 Lbs. Mol-Ha Mixing Feed Manufactured by G. E. Patteson & Co., Memphis Tenn. * * * Made Of Ground Rice Straw & Molasses. Nothing Else." It was represented by a salesman of the consignor, prior to the said shipments, that the article contained 30 per cent of pure cane sugar, that it had been manufactured for the United States Government, on contract, and in accordance with Government specifications, and that the said feed was sold for the United States Government.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was a mixture of molasses and rice straw, containing less molasses and sugar than represented by the salesman and having a musty odor. It also contained less fat and less carbohydrates than stated on the labeling.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed vegetable substance.

Misbranding was alleged for the reason that a horse and mule feed containing less than 30 per cent of pure cane sugar, not manufactured on contract with and in accordance with United States specification and not sold for the United States Government, had been offered for sale and sold under the distinctive name of another article, to wit, that it was a Government horse and mule feed; that is to say, a feed containing 30 per cent of pure cane sugar, manufactured on contract for and in accordance with United States Government specification and sold for the United States Government.

On January 19, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10362. Adulteration and misbranding of concentrated sweetener. U. S. * * * v. 5 Cans of Sweetener. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14963. I. S. No. 2077-t. S. No. C-3068.)

On or about August 3, 1921, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cans of concentrated sweetener, at Water Valley, Miss., consigned by the W. B. Wood Mfg. Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., about July 1, 1920, and transported from the State of Missouri into the State of Mississippi, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Wood's Special Concentrated Sweetener. * * * W. B. Wood Mfg. Co., St. Louis, Mo."

Adulteration of the article was alleged in substance in the libel for the reason that it contained a deleterious ingredient, to wit, saccharin, and for the further reason that an imitation product had been substituted for food sweetener, which the article purported to be.

Misbranding was alleged for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On April 17, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10363. Misbranding of Aspirinal. U. S. * * * v. 17 Dozen Bottles and 6 Dozen Bottles of Aspirinal. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15730, 15731. Inv. Nos. 29724, 29725. S. Nos. E-3684, E-3685.)

On December 12, 1921, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 23 dozen bottles of Aspirinal, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Aspirinal Laboratories, Inc., Atlanta, Ga., on or about September 10 and December 2, 1921, respectively, and transported from the State of Georgia into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of extracts of cascara sagrada and belladonna, sodium salicylate, camphor, menthol, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements, appearing on the label of the bottle containing the article, regarding the curative and therapeutic effects thereof, to wit, "* * * Colds, Coughs, Influenza, LaGrippe, * * * Headache, Toothache, Earache, Stomach ache, Neuralgia, Sciatica, * * * Rheumatism, * * *," were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 17, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10364. Adulteration of cumin seed. U. S. * * * v. 2 Barrels * * * of Cumin Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15744. I. S. No. 756-t. S. No. C-3376.)

On December 20, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 barrels of cumin seed, at Chicago, Ill., alleging that the article had been shipped from Indianapolis, Ind., December 9, 1921, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that substances, to wit, sand and grit, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength and for the further reason that the said substances had been substituted in part for the said article.

On April 24, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10365. Adulteration of canned salmon. U. S. * * * v. 429 Cases * * * of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15910. I. S. No. 892-t. S. No. C-3396.)

On January 10, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 429 cases of canned salmon, at Chicago, Ill., alleging that the

article had been shipped by the Point Adams Packing Co., Astoria, Oreg., October 19, 1921, and transported from the State of Oregon into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "La Salle Brand Salmon * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On April 21, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10366. Adulteration of oranges. U. S. * * * v. 462 Boxes * * * of Oranges. Decree ordering portion of product condemned and forfeited and distributed to charitable institutions. Remainder released to claimant and case dismissed. (F. & D. No. 16079. I. S. No. 4520-t. S. No. C-3485.)

On or about March 23, 1922, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 462 boxes of oranges, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the California Fruit Growers Exchange, from Cucamonga, Calif., on or about March 9, 1922, and transported from the State of California into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "W. Navels Ambrosia Brand O. K. * * * California Fruit Growers Exchange." The remainder of the article was labeled in part: "W. Navels United Brand Cucamonga * * * Calif."

Adulteration of the article was alleged in substance in the libel for the reason that a substance [frosted oranges] had been mixed and packed with the said article so as to reduce or lower or injuriously affect its quality.

On April 1, 1922, the California Fruit Growers Exchange having entered an appearance as claimant, a decree of condemnation and forfeiture was entered with respect to the 96 boxes of United Brand oranges and it was ordered by the court that they be distributed to charitable institutions and hospitals in Minneapolis and St. Paul, Minn. It was further ordered that the case against the 366 boxes of Ambrosia Brand oranges be dismissed and that they be released to the said claimant upon payment of freight and demurrage charges.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10367. Adulteration of oranges. U. S. * * * v. 462 Boxes of Oranges * * *. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16098. I. S. No. 15578-t. S. No. E-3823.)

On April 4, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 462 boxes of oranges, remaining in the original unbroken packages at New York, N. Y., consigned by the California Fruit Growers Exchange, from Prenda, Calif., alleging that the article had been shipped on or about March 22, 1922, and transported from the State of California into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Red Crescent Brand * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of frozen oranges.

On or about April 7, 1922, the California Fruit Growers Exchange, claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, said bond to be conditioned in part that the product be sorted under the supervision of this department, the decomposed portion thereof destroyed, and the portion fit for fresh fruit consumption or for manufacture into jelly and marmalade delivered to the said claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10368. Adulteration of oranges. U. S. * * * v. 462 Boxes of * * * Oranges. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16176. I. S. No. 10952-t. S. No. W-1068.)

On April 1, 1922, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 462 boxes of oranges, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the California Fruit Growers Exchange, from Mentone, Calif., March 23, 1922, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Washington Navels Direct Brand Crafton Orange Growers Association, Redlands, California."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of a decomposed vegetable substance.

On April 7, 1922, the California Fruit Growers Exchange having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500. in conformity with section 10 of the act, conditioned in part that the said product be sorted and the bad portion destroyed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10369. Adulteration of oranges. U. S. * * * v. 364 Boxes * * * of Oranges. Decree releasing good portion to claimant. (F. & D. No. 16177. I. S. No. 18437-t. S. No. C-3513.)

On or about April 1, 1922, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 364 boxes of oranges, at Little Rock, Ark., alleging that the article had been shipped by the California Fruit Growers Exchange, from Prenda, Calif., on or about March 22, 1922, and transported from the State of California into the State of Arkansas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Wash. Navels, Red Crescent Brand, Arlington Heights Fruit Company, Riverside, California."

Adulteration of the article was alleged in the libel for the reason that the said oranges showed a marked dryness, which indicated fruit badly frosted.

On April 3, 1922, the California Fruit Growers Exchange, claimant, having repacked and reconditioned the oranges under the supervision of this department and it having appeared that 202 boxes thereof conformed to the requirements of law, judgment of the court was entered ordering that the said 202 boxes of oranges be released to the said claimant, and that the balance thereof be destroyed by the United States marshal; and it was further ordered that the claimant pay all costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10370. Adulteration and misbranding of soluble saccharin. U. S. * * * v. 10 Pounds of Soluble Saccharin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9369. I. S. No. 6264-r. S. No. C-980.)

On October 3, 1919, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 pounds of soluble saccharin, remaining in the original packages at Dallas, Tex., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about August 16, 1918, and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Soluble Saccharine * * * 10 lbs. Net * * * W. B. Wood Mfg. Co., Manufacturing Chemists, St. Louis, Mo."

Adulteration of the article was alleged in substance in the libel for the reason that it was a drug and was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation, and for the further reason that the strength

and purity of the said drug fell below the standard and quality under which it was sold.

Misbranding was alleged in substance for the reason that the label "Soluble Saccharine" was false and misleading in that the said drug was not in fact "Soluble Saccharine" as represented by the said label, but was a mixture of saccharin and sugar, and for the further reason that it was an imitation of, and was offered for sale under the name of, another article, to wit, "Soluble Saccharine."

On March 3, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10371. Adulteration and misbranding of red, ponceau red, orange yellow, amarath red, and lemon colors, and alleged adulteration and misbranding of amaranth and caramella colors. U. S. * * * v. W. B. Wood Mfg. Co., a Corporation. Tried to the court and a jury. Verdict of guilty on counts 1 to 4, inclusive, and 7 to 12, inclusive. Fine, \$2,000 and costs. Directed verdict for defendant on counts 5, 6, 13, and 14. (F. & D. No. 10915. I. S. Nos. 16316-p, 16317-p, 16318-p, 16319-p, 1459-p, 12007-p, 19865-p.)

On June 24, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the W. B. Wood Mfg. Co., a corporation, St. Louis, Mo., alleging shipments by said company, in violation of the Food and Drugs Act, from the State of Missouri, as follows: On or about August 4, 1917, into the State of North Carolina, of a quantity of red color, on or about October 19, 1917, into the State of California, of quantities of ponceau red, orange yellow, amarath red, and lemon colors, respectively, all of which were adulterated and misbranded; and on or about October 3 and 18, 1917, respectively, into the States of Ohio and Wisconsin, respectively, of quantities of amaranth and caramella colors, respectively, which were alleged to have been adulterated and misbranded. Certain of the articles were labeled in part, respectively: "* * * W. B. Wood Manufacturing Co. * * * St. Louis, Missouri" (in pencil) "Red Color * * *"; "* * * Aniline Dye Ponceau Red * * *"; "* * * Aniline Dye Orange Yellow * * *"; "* * * Aniline Dye Amarath Red * * *"; "* * * Lemon * * *". One of the articles was invoiced and labeled "Caramella" and another was invoiced "Amaranth."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that with the exception of the "Caramella" they were mixtures of permitted and non-permitted colors with excessive amounts of arsenic, sodium chlorid, and sodium sulphate, and other metallic impurities, and that the "Caramella" was a mixture of non-permitted color with an excessive amount of subsidiary by-product, also excessive amounts of sodium chlorid and other metallic impurities.

Adulteration of the red color, amaranth, and amarath red was alleged in substance in the information for the reason that certain substances, to wit, Ponceau 6R, Fast Red A, and Bordeaux B, sodium chlorid, sodium sulphate, and arsenic, had been mixed and packed with the said articles so as to lower and reduce and injuriously affect their quality and strength, and had been substituted in part for red color, amaranth, and amarath red, which the said articles purported to be; adulteration of the ponceau red was alleged in substance for the reason that certain substances, to wit, Ponceau 6R, Orange II, Fast Red A, Bordeaux B, sodium chlorid, sodium sulphate, and arsenic, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for ponceau red, which the article purported to be; adulteration of the orange yellow was alleged in substance for the reason that certain substances, to wit, sodium chlorid, sodium sulphate, and arsenic, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for orange yellow, which the article purported to be; adulteration of the lemon was alleged in substance for the reason that certain substances, to wit, sodium chlorid, arsenic, and Orange II, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for lemon, which the article purported to be; adulteration of the caramella was alleged in substance for the reason that certain substances, to wit, Bismarck brown

sodium chlorid, and phenylene diamine hydrochlorid, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for caramella color, which the article purported to be. Adulteration was alleged for the further reason that the so-called red color, ponceau red, amaranth, orange yellow, amarath red, and lemon contained an added poisonous and deleterious ingredient, to wit, arsenic, and the so-called caramella contained an added poisonous and deleterious ingredient, to wit, Bismarck brown, which said substances might render the said articles injurious to health.

Misbranding was alleged with respect to certain of the articles for the reason that the statements, to wit, "Red Color," "Ponceau Red," "Orange Yellow," "Amarath Red," "Lemon," and "Caramella," borne on the respective labels attached to the cans containing the said articles, regarding the articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the said articles consisted wholly of red color, ponceau red, orange yellow, amarath red, lemon color, that is to say "Tartrazine," or caramella, that is to say caramel color, as the case might be, and for the further reason that the said articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they consisted wholly of red color, ponceau red, orange yellow, amarath red, lemon color, that is to say "Tartrazine," or caramella, that is to say caramel color, as the case might be, whereas, in truth and in fact, the so-called red color and amarath red consisted in part of Ponceau 6R, Fast Red A, and Bordeaux B, sodium chlorid, sodium sulphate, and arsenic; the so-called ponceau red consisted in part of Ponceau 6R, Orange II, Fast Red A, Bordeaux B, sodium chlorid, sodium sulphate, and arsenic; the so-called orange yellow consisted in part of sodium chlorid, sodium sulphate, and arsenic; the so-called lemon consisted in part of sodium chlorid, arsenic, and Orange II; and the so-called caramella consisted in part of Bismarck brown, sodium chlorid, and phenylene diamine hydrochlorid. Misbranding of the article invoiced as "Amaranth" was alleged for the reason that it was an article composed in part of Ponceau 6R, Fast Red A, Bordeaux B, sodium chlorid, sodium sulphate, and arsenic, prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, amaranth.

On May 12, 1921, the case came on for trial before the court and a jury. During the progress of the trial, upon objection by counsel for the defendant to the Government's offer to introduce in evidence certified copies of certain regulations under the Food and Drugs Act, the court, Faris, J., ruled as follows:

I think the question is a fairly simple one, gentlemen. You must bear in mind that you are offering this not as the law of the case but as a part of the evidence in the case. It is evidentiary, almost conclusively so, upon the testimony already adduced, of the guilt of the defendant, if I allow it to come in. This board, or the various officers mentioned in the statute, in making these regulations that fix certain arbitrary rules, or prescribe certain arbitrary colors that shall enter into arbitrary things; that shall enter into as constituent parts, as the various parts of colors for food purposes. If they can do that, that, of course, ends this case.

I do not gather from the statute that Congress meant to confer upon these gentlemen so thorough-going a power. There might be some serious question in it as to its constitutionality, as to the right to delegate the power to the legislature. Congress can perhaps say what constituent elements shall go into divers colors that are to be used as component parts of foods and drinks, but I seriously question whether they can give that power to anybody else. There may be, really, some question as to the right of Congress to do it arbitrarily.

Now, the only case that you have called my attention to does not treat the matter as one of fact, and you are urging the court to treat it as one of fact, to treat the matter as evidentiary, to consider the finding of these gentlemen and their regulations and prescriptions as being evidence.

Naturally, as I said a while ago, in the nature of most cases, it would be conclusive evidence, it would absolutely settle the case; it would settle this case, beyond any question. But, Judge Orr, in the case you called my attention to, I repeat, did not use it as evidentiary matter at all. He used it as a question of law. He adopted the finding and regulations of those gentlemen as the view which the court itself took of the meaning of that statute, because he said, "We refer to the rules adopted, not as controlling this court by way of construing the act, but as being a reasonable construction which the court

might adopt if it sees proper, and perhaps is the construction that is being placed by the rule which is provided for in the act itself."

That is clear, that so far as Judge Orr used that, in the only case you call my attention to, he used that as being persuasive to the court of the law in the case, and not as being evidence. You are offering this as evidence.

I have no doubt (and this conforms with the view already held by the court) that Congress has not given these gentlemen the power to establish evidence of guilt in these cases.

I sustain the objection.

After further submission of evidence and arguments by counsel the following charge was delivered to the jury by the court (Faris, J.):

Gentlemen of the jury: Now at the close of the evidence and of the arguments of counsel on both sides, to which the jury has listened and to which the jury has paid attention in a most commendable way, it becomes the duty of the court to give you in charge the law which ought to govern you in your deliberations upon your verdict.

This is a duty which falls upon the court. It is the court's duty to declare the law and it is the duty of the jurors, under their oaths of office, to abide by the law as the court shall declare it to them. Touching the evidence, however, and the credibility of the witnesses, the rule is wholly different. You as jurors are the sole judges of the credibility of the witnesses and of the weight and value to be accorded to their testimony.

In reaching a conclusion as to the weight and value that you ought to give to the testimony of any witness you are warranted in taking into consideration the manner and appearance of the witness upon the witness stand, his manner of testifying, the probability or improbability of the testimony that he gives, his disclosed relations to, or feelings for, the two parties to the litigation. Taking into consideration these several facts, it is your privilege to accord to each and every witness such weight and value as you may deem his testimony entitled to.

If you shall find that any witness has wilfully sworn falsely as to any material fact involved in the controversy, it is your privilege to believe or disbelieve the whole or any part of such witness's testimony. By "material fact" is meant any fact which tends to prove or disprove the guilt or innocence of the defendant.

This case, gentlemen, notwithstanding it is a prosecution by the Government of the United States, or by the United States of America, against the defendant, a corporation, is, nevertheless, a criminal proceeding; it has been brought by a criminal information. It is, therefore, to be considered by you, and dealt with by the court, according to the rules which hedge about criminal trials. In this connection, I charge you that the information in this case is nothing but a mere formal charge. It is no evidence whatever of the guilt of the defendant. It has no probative value; it is merely a part of the legal machinery, or, rather, the legal procedure, by which the defendant is brought to answer before a jury of the country. You are, therefore, not to accord to the fact that there has been an information filed any credence or weight whatever.

The charge here as contained in the information is in fourteen counts, fourteen separate and distinct counts. Each of those fourteen represents an alleged violation of the law. Seven of these violations occur with regard to adulteration, and seven of them occur with regard to misbranding of the identical shipments; in other words, there are seven shipments alone involved. Touching those seven shipments two separate alleged violations of the law are charged: One is that a given shipment—take the one contained in the first count, for example—was adulterated; the other is, that that identical shipment (the one in the first count) was misbranded. The same thing is true of all the remaining counts.

In this connection, I would as well say to you now, that in my view, for reasons that I need not now take up your time to call your attention to, your verdict and finding ought to be on counts 5 and 6, 13 and 14, for the defendant. I think the Government has not made out sufficient facts by the evidence adduced, to permit those four counts to go to you. Therefore, the court charges you, as a matter of law, that your finding on those four counts ought to be for the defendant. The other ten counts I am going to submit to you, as to whether your finding shall be for plaintiff, that is, the Government, or for the defendant.

The information, which is of great length, was read to you. I shall not at this time, and on this day of the week, take up your time with again reading it. I shall simply say as to the first count and as to the second count, which are types of all the rest, what they substantially charge.

The first count, substantially and in plain and ordinary language, charges that a shipment of certain colors made by defendant to the Robeson Soda Water Co., in the city of Lumberton, State of North Carolina, was adulterated.

Now, you need not trouble yourselves about whether the shipment was made; whether it was an interstate shipment, and whether the defendant is a corporation. Those three facts have been admitted, so you need not bother yourselves about them. You can devote your attention to the other questions. To repeat, I say, it is charged that a certain shipment of red color was adulterated within the meaning of the act of Congress which I shall presently call your attention to, in that Ponceau 6R, Fast Red A, Bordeaux B, sodium chlorid, sodium sulphate, and arsenic had been mixed and packed with this color so as to lower and reduce and injuriously affect its quality and strength; and that it was also adulterated in that Ponceau 6R, Fast Red A, and Bordeaux B, sodium chlorid (or common salt), sodium sulphate, and arsenic had been substituted in part for the red color which the article purported to be.

Touching that point in this, as well as all the other charges, I shall have something further to say.

It has been also charged that an added, a poisonous and deleterious, ingredient, to wit, arsenic, had been added. That charge occurs in all of the seven counts. You need pay no attention to it, because there is no proof in the case that arsenic, in the quantities which the proof shows were contained in these colors, is, in fact, poisonous, hurtful, or injurious to health. That point goes out of the case and you need not trouble yourselves further about it.

Substantially, then, that is the charge in the first count, third count, fifth count, seventh count, ninth count, eleventh count, and thirteenth count; in the odd-numbered counts. The fifth one, however, of those odd-numbered counts, and the thirteenth of those odd-numbered counts I have already told you to disregard, and find thereon for the defendant.

Now, the even-numbered counts deal with the same identical shipments that the odd-numbered counts deal with, and charge, in simple language or, rather, the charge when reduced to simple language means, that that color so shipped was misbranded within the meaning of the act of Congress, in that the statement "Red Color" borne on the label was false and misleading for the reason that the statement that it was red color and consisted wholly of red color was false, because it did not consist altogether of red color, but did consist in part of Ponceau 6R, Fast Red A, Bordeaux B, sodium chlorid, sodium sulphate, and arsenic.

It is also charged that it was so labeled so as to deceive and mislead the purchaser into the belief that it did consist wholly of red color, when, in truth and in fact, it was a combination of red color with these other things which I have mentioned.

The charges as to the other eight counts which I am permitting to go to you are similar to the charges in the two counts that I have just read to you. I read those two as types, and explained those two as types of the other eight.

Now, the statute, gentlemen, which is involved in this case is an act of Congress, which provides:

"That the introduction into any State or Territory or the District of Columbia, from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country, of any article of food or drugs which is adulterated or misbranded, within the meaning of this act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia, to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia, from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or the territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense."

There are additional punishments for second offenses, but those are not involved here.

Some of this statute is not pertinent to this case. I think you will, however, be able readily to pick out those parts which are pertinent.

It is further provided by this act of Congress: "That for the purposes of this act an article shall be deemed to be adulterated, in the case of food: First: If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its strength or quality. Second: If any substance has been substituted wholly or in part for the article."

And another proviso which is in the information, but which is not now in this case, is that which has reference to an added poisonous ingredient. I have taken that from you so you need not trouble yourselves, I repeat, about that.

So the two questions, then, gentlemen, upon this statute, so far as pertains to the odd-numbered counts, are, whether there has been mixed and packed with these colors any substance which has reduced or served to reduce or lower or injuriously affect the quality or strength of that color; and, second, if any substance has been substituted wholly or in part for that color.

Now, on the second count the statute provides as to misbranding (and you will already know that the statute which I first read to you forbade misbranding) that:

"The term 'misbranded,' as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular—"

In the case of food—

"First: If it be an imitation of, or offered for sale under the distinctive name of, another article.

"Second: If it be labeled or branded so as to deceive or mislead the purchaser * * *"

Those, I think, are the statutes, gentlemen, which are involved in this case upon the charges which I have read. Of course, the purpose of this act of Congress was to prevent deceit and false pretenses in the sale of food or drugs, and to protect the customer or buyer in his right to receive what he orders, what he buys, and what he desires to receive. It was also for the prevention of fraud and deception to the end that I have mentioned; that is, so that the purchaser should get the thing that he had a right to suppose he was getting.

Taking the first count (and what I shall say applies to all the odd-numbered counts that I am permitting to go to you), if you shall find and believe that the can of red color shipped to the Robeson Soda Water Co. by the defendant in this case, when shipped, or delivered for shipment, contained Ponceau 6R, Fast Red A, Bordeaux B, sodium chlorid, sodium sulphate, and arsenic, and that the effect of these articles was to adulterate it; that is, that they were adulterants, and that being adulterants, the effect of them was to lower and reduce and injuriously affect the quality and strength of that color, you will be warranted in finding the defendant guilty. If you find the converse of that, you ought to find the defendant not guilty; or, if you shall find that this red color was adulterated in that Ponceau 6R, Fast Red A, Bordeaux B, sodium chlorid, sodium sulphate, and arsenic, or any of them, had been substituted in part for red color, which the article purported to be, then, other things being equal, you ought to find the defendant guilty. If you shall find the converse of that, you will find the defendant not guilty.

Upon the second count and upon all the even-numbered counts which I am permitting to go to you, if you shall find that a can of red color was shipped to the Robeson Soda Water Co., at Lumberton, N. C. (and those things are admitted), and that the can or container in which this red color was contained bore the words "Red Color," but, in truth and in fact, this article did not consist entirely of red color; but did consist in part of Ponceau 6R, Fast Red A, and Bordeaux B, sodium chlorid, sodium sulphate, and arsenic, and that those things were not on the brand (and, of course, there is no question about that, that they were not on there), and that the effect of the putting into this can that color, and failing to designate on that can these several things which I have enumerated, was to deceive and mislead the purchaser into the belief that the contents of this can was wholly a red color, then you ought to find the defendant guilty. If you shall find the converse of that, you ought to find the defendant not guilty.

These are types of all of the counts. What I have said as to the two of them (because there are only two questions) applies to all of them. I cannot take up your time with going over all of them.

What I have said as [to] the presence of Bordeaux B, Fast Red A, and Ponceau 6R in the several articles in which it is charged these things were used, so far as counts 1, 2, and 3 are concerned, you can not consider them as adulterants under these counts; and the fact that they were used in making the article described in count 4 cannot be considered as tending to prove that these articles were misbranded as charged in that count; and the same thing is true as to the use of the word "Orange" in counts 11 and 12.

I say this to you particularly, you will see, as to count 1, which mentions a red color, because Bordeaux B, Fast Red A, and Ponceau 6R are all red colors, but, of course, this does not include sodium sulphate, sodium chlorid, or arsenic, if you find those things were in those colors.

Now, gentlemen, I charge you as a matter of law that, in order to find the defendant guilty of the alleged adulteration, or of the alleged misbranding, it is not incumbent on the Government to show that the defendant in this case consciously or wilfully put this substance, or these substances, into these colors (if you find they were in there) with the intent to deceive the purchaser with respect to them, but if you shall find that they were in there, and that they were an adulteration within the statute and the law which I declare to you; and upon the question of misbranding, if you shall find that the effect of the label on the cans, when read by a person of ordinary intelligence, creates, or created, a false impression regarding the character and contents of this can, you may find that the can was misbranded. If you find, as I said a while ago, that these things were adulterants, then you may also find that it was adulterated.

The statute provides a way here by which the defendant in the case could have escaped liability; it did not pursue that way and, of course, other things being equal, in finding these other facts, it can not escape liability on the sole ground in this case that it bought this stuff in New York in bulk, I take it, had it shipped here, put it in cans, or put its own label on those cans and sent it out to be sold to all and sundry who might desire to purchase it. So that question need not be considered by you. You need not consider the intent nor, in other words, if it was consciously done. The law penalizes carelessness and negligence and inattention in these cases, because, as I said a while ago, the intent of the law was to protect the public, and if a man were to be permitted to say that he did not know that he was putting up carbolic acid as glucose, it would be the end of the law.

This is a criminal case, gentlemen, and the burden of proof is upon the Government to make out its case beyond a reasonable doubt. This burden the Government assumes in the beginning and bears throughout the case. The defendant is presumed to be innocent, and this presumption attends and protects the defendant throughout the trial, until it is met and overcome by evidence which proves the guilt of defendant beyond a reasonable doubt. This presumption is raised by defendant's plea of not guilty in this case, so unless you find that the Government has made out the guilt of defendant beyond a reasonable doubt you ought to find the defendant not guilty.

A reasonable doubt is a doubt which has a reason for its basis, which arises from the consideration of all the evidence in the case. It is not, however, a mere possibility of the defendant's innocence.

Some evidence has come into the case from expert witnesses; in fact, a large part of the evidence came from expert witnesses. Touching this sort of evidence, I charge you that it is competent for chemists, and other gentlemen who are learned in that art, to give their expert opinions relative to matters within the scope and range and learning of that art, but such expert opinions are not binding upon you and are to be received by you as advisory only. Generally speaking, you are to consider the expert witnesses by the same general rules that you consider other witnesses, and to weigh their credibility by those rules; but touching the expert opinions which they give you are, I repeat, to consider them as advisory only, and you are permitted to consider them in the light of human experience. In determining their weight and value, and in reaching a conclusion as to their probative effect, it is your privilege to accept or reject such evidence in whole or in part, according as you may believe or disbelieve it, when you have applied to it the test that I have mentioned.

Now, gentlemen, the questions before you have been greatly shortened by the candid admissions of the defendant in this case, that the shipments mentioned in the information were made as described therein; that it is a corpora-

tion; that the samples analyzed by the witness, Jablonski, and offered in evidence, were parts of and made from the identical shipments charged in the information, and that these shipments were shipped and sold by the defendant with the knowledge on its part, that the colors were intended as components of food. Of course, nobody claims that these colors have any food value; they are merely colors, but they are, within the meaning of the statute, components of food, and so far as that is concerned are to be regarded as to their effect on the things that they go into, just as if they were food.

Coming down to a little bit of the evidence, in order that I may help you (charging you, however, to bear in mind that you, and not the court, are the sole judges of the evidence and the credibility of the witnesses, and any comment that I may make is not binding on you, you are to disregard it if it does not agree with your views), I might say that the Government in this case has offered proof as to the contents of these seven shipments and there has been no countervailing proof about that matter. The witness, Jablonski, testified as to what were the component elements of Bordeaux B, Ponceau 6R, Fast Red A, sodium sulphate, sodium chlorid, arsenic, and so on. He told you not only what were the component parts of all these cans, but he told you the percentages thereof. These percentages varied largely. They ran, I believe, in salt from perhaps eleven and a fraction to perhaps sixty-three and a fraction. If I should misstate them your better recollections will control and govern. Of course, if you shall believe as to the sodium sulphate and the sodium chlorid, that it was present in these colors (and I do not think you can believe anything else, because the uncontradicted proof shows it; no proof has been offered here as to any different analysis than that testified by Jablonski); if you shall find, I repeat, that common salt and sodium sulphate are usually and generally present in substantially, or about, the quantities shown in the evidence, when these colors are manufactured in the usual and ordinary way that reasonably competent men manufacture them, when using reasonable care and skill, then I charge you that the presence of salt does not create either an adulteration or misbranding within the purview of the charge here, and of the statute. But, if you should find the converse of this, that in this sort of manufacture the quantities shown by the uncontradicted evidence ought not appear, then you may consider that an adulteration; in other words, if the party who made these colors made them with reasonable care and skill, and in the reasonably approved method then existing, and this salt got in there in the process of manufacture, then the defendant ought to be found not guilty. Of course, there is proof here that the defendant did not put any salt, as such, in these colors; that it was in there when he got the colors; that he took nothing from it and added nothing to it. He merely took it out of bulk, put it into cans, and put his labels on those cans and shipped it. But if it was there in forbidden quantities, as I have tried to describe that to you, then the fact that the defendant did not put it there would not protect the defendant.

I do not think of anything else, gentlemen, except the formal charge.

Mr. WHEELER. In regard to punishment, the jury has nothing to do with that. The COURT. I will cover that.

Mr. WHEELER. Secondly, the jury can acquit or convict on any count, or all counts.

The COURT. Very well.

Mr. Cullen, have you anything to say?

Mr. CULLEN. We desire to except to that part of your honor's charge which submits to the jury the question whether or not the presence of arsenic constitutes an adulteration, or an element of misbranding.

The COURT. I will charge the jury upon that, that the presence of arsenic did not amount to an adulteration unless you should find the same thing with regard to arsenic that I have charged touching sodium chlorid and sodium sulphate, because arsenic might be there. You will use the same test in deciding as to whether it was there or not, that has already been testified to in an uncontradicted way, by the witness, Jablonski, and you will consider whether it was a usual and ordinary, and I might say, a necessary, result of the manufacture.

Is that all, gentlemen?

Mr. CULLEN. That is all.

The COURT. Now, gentlemen, with regard to your verdict, I have caused to be prepared for you a blank form of verdict. If you find the defendant guilty

on the counts that I have let go to you, one of your number will sign this as it stands, as foreman. If you find defendant not guilty you will add the word "not" in the form that I have had prepared for you. You may find defendant guilty on any one, two, or three, or more counts, and not guilty upon the others. You may find defendant not guilty upon all, or you may find defendant guilty upon all counts, according as you may find the facts to be. Your verdict, of course, must be unanimous. You have nothing to do with fixing the punishment. You merely find defendant guilty or not guilty, and so say by your verdict, and the court fixes the punishment.

I shall let you return a sealed verdict. When you have agreed upon a verdict you may enclose it in an envelope and hand it to the clerk, and on Monday morning at 10 o'clock you will return and I shall open the verdict and it will be read.

The jury then retired and after due deliberation returned a verdict of guilty, on May 16, 1921, on counts 1, 2, 3, 4, 7, 8, 9, 10, 11, and 12, and on April 4, 1922, the court imposed a fine of \$200 on each count, a total of \$2,000 and costs. As will appear from the above-quoted charge to the jury, the court directed a verdict for the defendant with respect to counts 5 and 6, involving the product invoiced as "Amaranth," and counts 13 and 14, involving the product invoiced and labeled as "Caramella." The defendant filed its motion for a new trial and in arrest of judgment, which was overruled, but has not as yet perfected an appeal from the judgment of the trial court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10372. Misbranding of Howell's Lymphine tablets. U. S. * * * v. One Dozen Packages * * * of Howell's Lymphine Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13571. I. S. No. 8764-t. S. No. E-2632.)

On August 26, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of one dozen packages of Howell's Lymphine tablets, at Washington, D. C., alleging that the article had been shipped by Charles H. Howells & Co., New York, N. Y., on or about June 8, 1920, and transported from the State of New York into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of ferrous carbonate, nux vomica, aloes, and phosphorus.

Misbranding of the article was alleged in substance in the libel for the reason that the labeling bore, among others, the following statements, (wrapper and bottle labels) " * * * Nervous Prostration, Dyspepsia, Nervous Indigestion, * * * Catarrh, Melancholia, Women At Change Of Life, Premature Decay And All Nervous And Mental Diseases * * *," (circular) " * * * Lymphine Tablets * * * Vitalizer * * * Restore Nerve and Brain Tissues * * * Relieve All Forms Of Weakness * * * not only alleviate, but in many cases cure mental and physical diseases * * * such as Neurasthenia, or Nervous Prostration, Depleted Nerve Force, Impoverished or Impure Blood, Diseases of the Digestive or Eliminative System, Nervous Dyspepsia, Female Disorders attendant on the 'Change of Life,' Irregularities of Uterine Troubles generally, etc. * * * Improve Vital Powers In Both Sexes * * * of inestimable value to sufferers from locomotor ataxia * * * Debility * * * Restore Youthful Vigor And Elasticity * * * Melancholia * * * For All Nervous And Mental Disorders * * * Liquor and Drug Addictions * * * The Best Remedy In Female Disorders * * * Catarrh * * *," which statements regarding the curative and therapeutic effect of the said article and the ingredients and substances contained therein were false and fraudulent for the reason that the said article contained no ingredients or combination of ingredients in sufficient quantity and strength capable of producing the effect claimed.

On April 11, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10373. Adulteration of walnuts. U. S. * * * v. 12 Bags of Walnuts. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 15241. I. S. No. 10979-t. S. No. W-999.)

On or about August 6, 1921, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 bags of walnuts, at Pocatello, Idaho, alleging that the article had been shipped by the Merrill Keyser Co., Salt Lake City, Utah, on or about April 21, 1921, and transported from the State of Utah into the State of Idaho, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Walnuts * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On March 23, 1922, the case having come on for final disposition, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10374. Misbranding of olive oil. U. S. * * * v. 3 Dozen Cans * * * and 48 Dozen Cans * * * of Olive Oil * * *. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15276. Inv. Nos. 24672, 24674. S. No. E-3504.)

On July 27, 1921, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 dozen gallon cans and 48 dozen quart cans of olive oil, remaining unsold in the original unbroken packages at Providence, R. I., consigned by the Italian Importing Co., New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about May 23, 1921, and transported from the State of New York into the State of Rhode Island, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "* * * Pure Italian Olive Oil * * * Golden Star Brand Packed in Italy * * *."

Misbranding of the article was alleged in substance in the libel for the reason that the labels of the cans containing the said article bore the respective statements, to wit, "* * * Net Contents One Gallon * * *" or "* * * Net Contents One Quart * * *," which were false and misleading and deceived and misled the purchaser into believing that each of the said cans contained one gallon or one quart, as the case might be, of the said article, when they did not, being short in volume. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On April 1, 1922, the Italian Importing Co., New York, N. Y., having entered an appearance as claimant for the property and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10375. Adulteration of frozen eggs. U. S. * * * v. 25 Cans and 15 Cans * * * of Frozen Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 15653, 15654. I. S. Nos. 893-t, 894-t. S. No. C-3394.)

On January 10, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40 cans of frozen eggs, at Chicago, Ill., alleging that the article had been shipped by the Detroit Butter & Egg Co., from St. Paul, Minn., October 31, 1921, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy and decomposed animal substance.

On April 24, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10376. Adulteration of oranges. U. S. * * * v. 462 Boxes of Oranges. Decree of condemnation and forfeiture. Product distributed to charitable institutions. (F. & D. No. 15791. I. S. No. 11193-t. S. No. W-1059.)

On March 27, 1922, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 462 boxes of oranges, remaining in the original unbroken packages at Spokane, Wash., alleging that the article had been shipped by the Riverside Heights Orange Growers Assoc., Riverside, Calif., March 7, 1922, and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pepper Leaf Brand, Riverside Heights Orange Growers Association, Riverside, Calif., W. Navel."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of a decomposed vegetable substance.

On April 3, 1922, the Riverside Heights Orange Growers Assoc., Riverside, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act. Subsequently, it having been found impracticable to separate the good from the bad oranges, they were distributed to various charitable institutions in Spokane, Wash., and the bond was ordered discharged.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10377. Adulteration and misbranding of canned salmon. U. S. * * * v. 900 Cases of Canned Salmon * * *. Tried to the court. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 15861. I. S. No. 11991-t. S. No. C-3382.)

On December 22, 1921, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 900 cases of canned salmon, remaining unsold in the original unbroken packages at Tupelo, Miss., alleging that the article had been shipped by the Lowman Co., Anacortes, Wash., on or about October 12, 1921, and transported from the State of Washington into the State of Mississippi, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sunny South Brand Pink * * * Contents 1 Lb. Fresh Salmon Cooked in Can After Sealing."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

It was further alleged in substance that the cans containing the article were misbranded in that the labeling thereof was false and misleading and deceived and misled the purchaser, since the product contained therein was partly decomposed.

On April 4, 1922, the Reeves Grocery Co., Tupelo, Miss., having entered an appearance as claimant for the property, and the case having come on for trial before the court, after the submission of evidence and arguments by counsel a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10378. Adulteration and misbranding of butter. U. S. * * * v. 65 Boxes, 67 Cartons, and 43 Boxes of Butter * * *. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16088. I. S. Nos. 17051-t, 17052-t. S. No. E-3845.)

On April 10, 1922, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 108 boxes and 67 cartons of butter, remaining in the original unbroken packages at Baltimore, Md., consigned in part March 27, 1922, and in part March 29, 1922, alleging that the article had been shipped by the Minnesota Creamery & Produce Co., St. Paul, Minn., and transported from the State of Minnesota into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Butter 1 Pound."

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed with, and substituted wholly or in part for, the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butter fat, had been in part abstracted.

Misbranding was alleged in substance for the reason that the statement appearing in the labeling, to wit, "Butter," was false and misleading and deceived and misled the purchaser.

On April 13, 1922, James W. Crook, Baltimore, Md., claimant, having admitted the allegation of the libel with respect to the charge of adulteration, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10379. Adulteration of oranges. U. S. * * * v. 431 Boxes * * * of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16123. I. S. No. 18661-t. S. No. C-3511.)

On or about April 7, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 431 boxes of oranges, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Riverside Heights Orange Growers Assoc., Riverside, Calif., March 28, 1922, and transported from the State of California into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, respectively: "Pepper Leaf Navels Riverside Heights Orange Growers Association, Riverside, California" and "Califlora Brand * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On April 14, 1922, the California Fruit Growers Exchange, claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, said bond to be conditioned in part that the product be sorted under the supervision of this department, the portion unfit for human food to be destroyed by the United States marshal and the portion fit for human food to be delivered to the said claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10380. Adulteration of shell eggs. U. S. * * * v. John Schenkenberger. Plea of guilty. Fine, \$25. (F. & D. No. 11960. I. S. No. 6949-r.)

On May 24, 1920, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Schenkenberger, Linton, N. D., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 11, 1919, from the State of North Dakota into the State of Minnesota, of a quantity of shell eggs which were adulterated.

Examination of the 1,080 eggs in the consignment, by the Bureau of Chemistry of this department, showed the presence of 315, or 29.16 per cent, inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On April 11, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10381. Adulteration and misbranding of gray shorts. U. S. * * * v. 600 Sacks and 80 Sacks of Alleged Gray Shorts. Default decrees declaring product adulterated and a portion thereof misbranded and ordering its destruction. (F. & D. Nos. 12679, 12928. I. S. Nos. 174-r, 115-r. S. Nos. E-2185, E-2360.)

On May 27, 1920, the United States attorney for the Western District of North Carolina, acting upon reports by the Secretary of Agriculture, filed in:

the District Court of the United States for said district libels for the seizure and condemnation of 680 sacks of alleged gray shorts, at Hendersonville, N. C., alleging that the article had been shipped by the Gateway Milling Co., Kansas City, Mo., March 15 and May 12, 1920, respectively, and transported from the State of Missouri into the State of North Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Mfg. By Gateway Milling Co. * * * Gray Shorts And Screenings. Made From Wheat Shorts, Red Dog Flour and Wheat Bran * * *." The remainder of the article was invoiced as "Gray Shorts."

Adulteration of the article was alleged in the libels for the reason that reground bran and rice hulls, or ground bran, screenings, and rice hulls, as the case might be, had been mixed and packed with, and substituted wholly or in part for, the said article and for the further reason that the said article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged with respect to a portion of the said article for the reason that the statements appearing in the labeling thereof, " * * * Gray Shorts And Screenings. Made From Wheat Shorts, Red Dog Flour and Wheat Bran * * * Fat, not less than 3.50% Crude Fibre, not more than 10.00% * * *," were false and misleading.

On August 22, 1921, no claimant having appeared for the property, judgments of the court were entered declaring both consignments of the product to be adulterated and the consignment of May 12, 1920, to be misbranded and ordering the destruction of the product by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10382. Adulteration and misbranding of Anti-ferment. U. S. * * * v. W. B. Wood Mfg. Co., a Corporation. Plea of guilty. Fine, \$300. (F. & D. No. 14736. I. S. No. 5543-r.)

On September 24, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the W. B. Wood Mfg. Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 12, 1919, from the State of Missouri into the State of Iowa, of a quantity of Anti-ferment which was adulterated and misbranded. The article was labeled in part: "Anti-ferment * * * harmless. W. B. Wood Mfg. Co., Manufacturing Chemists, St. Louis, Mo. * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the said sample contained 3.4 per cent of ammonium fluorid.

Adulteration of the article was alleged in the information for the reason that it contained an added poisonous and deleterious ingredient, to wit, ammonium fluorid, which might render the said article injurious to health.

Misbranding was alleged for the reason that the statement, to wit, "harmless," borne on the label attached to the carboy containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article was harmless, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was harmless, whereas, in truth and in fact, it was not harmless.

On April 4, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10383. Misbranding of cottonseed meal. U. S. * * * v. McCall Cotton & Oil Co., a Corporation. Plea of guilty. Fine, \$300. (F. & D. No. 15428. I. S. Nos. 10283-t, 10736-t, 10791-t.)

On December 17, 1921, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the McCall Cotton & Oil Co., a corporation, Phoenix, Ariz., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 12, March 10, and April 5, 1921, respectively, from the State of Arizona into the States of Colorado, New Mexico, and California, respectively, of quantities of cottonseed meal which was misbranded. The article was labeled in part: " * * * Brand—McCall Co. McCall Cotton & Oil Co., Phoenix, Arizona * * *."

Analysis of a sample from each of the consignments by the Bureau of Chemistry of this department showed the presence of 38.81 per cent, 38.50 per cent, and 38.79 per cent, respectively, of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Crude Protein 43.00 per cent," in regard to the shipments of January 12 and March 10, 1921, and the statement, "Guaranteed Analysis Crude Protein 40.00 per cent," in regard to the shipment of April 5, 1921, borne on the respective tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 43 per cent or 40 per cent of crude protein, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent or 40 per cent of crude protein, as the case might be, whereas, in fact and in truth, the article involved in the respective consignments did contain less than 43 per cent or 40 per cent of crude protein, as the case might be, to wit, approximately 38.79 per cent, 38.81 per cent, and 38.50 per cent, respectively, of crude protein.

On January 3, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10384. Adulteration and misbranding of table oil. U. S. * * * v. 8
Cans of Table Oil * * *. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15498. I. S. No. 8505-t. S. No. E-3617.)

On October 24, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 cans of table oil, remaining in the original unbroken packages at Baltimore, Md., consigned on or about September 23, 1921, alleging that the article had been shipped by the Pan Italian Commercial Co., New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that cottonseed oil and peanut oil had been mixed and packed with, and substituted wholly or in part for, olive oil.

Misbranding was alleged in substance for the reason that the statement appearing on the label of the can containing the article, to wit, "* * * Table Oil * * * Termini Imerese Type * * * Net Contents One Gallon," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 8, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled and sold by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10385. Misbranding of imitation vanilla and tonka. U. S. * * * v. 9.
W. B. Wood Mfg. Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 15577. I. S. No. 1579-t.)

On February 13, 1922, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the W. B. Wood Mfg. Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 11, 1920, from the State of Missouri into the State of Ohio, of a quantity of imitation vanilla and tonka which was misbranded. The article was labeled in part: "W. B. Wood Manufacturing Co. Imitation Vanilla and Tonka * * * Net 5 Gal."

Examination of the article by the Bureau of Chemistry of this department showed a shortage of 6½ per cent from the declared contents.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net 5 Gal.," borne on the keg containing the said article, regarding the article, was false and misleading in that it represented

that the said keg contained 5 gallons net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said keg contained 5 gallons net of the article, whereas, in truth and in fact, the said keg did not contain 5 gallons net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 4, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10386. Adulteration and misbranding of vinegar. U. S. * * * v. 80 Barrels * * * of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15937. I. S. No. 1241-t. S. No. C-2911.)

On January 23, 1922, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 80 barrels of vinegar, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Powell Corp., Canandaigua, N. Y., on or about October 1, 1921, and transported from the State of New York into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cider Vinegar Made From Apples * * * Manfd. By The Powell Corp., Canandaigua, N. Y."

Adulteration of the article was alleged in the libel for the reason that it contained waste vinegar, which had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged in substance for the reason that the statement, "Pure Cider Vinegar made from Apples," appearing on the labels of the barrels containing the article, was false and misleading and deceived and misled the purchaser; and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On March 11, 1922, the F. A. Kauffmann Mfg. Co., St. Louis, Mo., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of the court was entered finding the product to be liable to condemnation and forfeiture and ordering that it be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the barrels containing the article be rebranded by obliterating the statement, "Pure Cider Vinegar Made from Apples," from the labels thereof and substituting therefor the statement "Evaporated Apple Vinegar."

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10387. Misbranding of grape jam. U. S. * * * v. 30 Cases, 8 Cases, and 75 Cases * * * of Grape Jam. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15661, 15981, 15982. I. S. Nos. 5511-t, 6729-t, 5512-t. S. Nos. E-3770, E-3778, E-3779.)

On February 13 and 16, 1922, respectively, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 113 cases, each containing 2 dozen jars, of grape jam, remaining in the original unbroken packages at Cambridge, Boston, and Worcester, Mass., respectively, alleging that the article had been shipped by Schühle's Pure Grape Juice Co., Inc., Highland, N. Y., on or about September 5, October 10, and November 30, 1921, respectively, and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Schühle's Pronounced Shee'ey's Grape Jam * * * Net Weight 1 Pound * * * Schühle's Pure Grape Juice Co., Inc., Highland, Ulster Co., N. Y."

Misbranding of the article was alleged in substance in the libels for the reason that the statement, "Net Weight 1 Pound," borne on each of the jars containing the article, regarding the net weight of the contents of the said jars, was false and misleading in that the said statement represented that each of the said jars contained one pound net of the said article and for the further reason that it

was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said jars contained one pound net of the said article, whereas, in truth and in fact, each of the said jars did not contain one pound net of the said article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in that the said statement represented the contents of the said jars to be one pound net of the article, whereas, in truth and in fact, the said contents were less than one pound.

On March 22, 1922, Schühle's Grape Juice Co., Inc., Highland, N. Y., having entered an appearance as claimant for the property and having filed satisfactory bonds, in conformity with section 10 of the act, judgments of condemnation were entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10388. Adulteration and misbranding of canned sauerkraut. U. S. * * * v. 613 Cases * * * of Sauerkraut. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16060, 16061. I. S. No. 18408-t. S. No. C-3438.)

On February 20, 1922, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 613 cases of canned sauerkraut, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the New Albany Canning Corp., New Albany, Ind., on or about February 2, 1922, and transported from the State of Indiana into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Indiana Home Sauer Kraut, Contents 1 Lb. 12 Oz. New Albany Canning Corporation, New Albany, Ind."

Adulteration of the article was alleged in the libel for the reason that excessive liquor had been mixed and packed with, and substituted wholly or in part for, the said article.

Misbranding was alleged in substance for the reason that the statement "Sauerkraut," appearing in the labeling, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On April 3, 1922, the New Albany Canning Corp., New Albany, Ind., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of the court was entered finding the product liable to condemnation and forfeiture, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the statement, "1 Lb. 12 Oz." be obliterated from the labeling thereof and that the statement "Slack Filled Kraut" together with a statement of the correct contents of the said cans be substituted therefor.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10389. Adulteration of oranges. U. S. * * * v. 462 Boxes * * * of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16111, 16112. I. S. No. 3760-t. S. No. C-3514.)

On April 3, 1922, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 462 boxes of oranges, at Omaha, Nebr., alleging that the article had been shipped by the Riverside Heights Orange Growers Assoc., Riverside, Calif., on or about March 27, 1922, and transported from the State of California into the State of Nebraska, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pepper Leaf Brand W. Navels Riverside Heights Orange Growers Ass'n, Riverside, Cal."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On April 5, 1922, the Fruit Growers Exchange, claimant, having admitted

the allegations of the libel and consented to a decree of condemnation and forfeiture, judgment of the court was entered finding the product to be adulterated and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, in conformity with section 10 of the act, conditioned in part that the product be salvaged, the bad portion to be destroyed, and that the remainder, upon approval by a representative of this department, be delivered to the claimant without conditions.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10390. Misbranding of Allen's Ulcerine salve. U. S. * * * v. Charles W. Allen (J. P. Allen Medicine Co.). Plea of guilty. Fine, \$1. (F. & D. No. 11612. I. S. No. 5546-r.)

On June 14, 1920, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles W. Allen, trading as the J. P. Allen Medicine Co., St. Paul, Minn., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about July 12, 1918, from the State of Minnesota into the State of Iowa, of a quantity of Allen's Ulcerine salve, which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to consist essentially of lead soap and linseed oil.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles containing the said article and in the accompanying wrappers and booklets, falsely and fraudulently represented it to be effective as a treatment of chronic ulcers, bone ulcers, scrofulous ulcers, varicose ulcers, indolent ulcers, syphilitic ulcers, mercurial ulcers, gangrene, white swelling, and all old sores of long standing, blood poisoning and lock-jaw from open wounds, boils, felons, carbuncles, abscesses, piles, salt rheum, burns, scalds, gun shot wounds, bites of animals, bites of reptiles, and all poisoned and ulcerated wounds, cuts, and all fresh wounds, milk leg, erysipelas, sprains, swollen joints, and all old sores of every name and kind, no matter of how many years standing, and as a treatment for bone consumption, old running sores of all kinds, and inflammatory rheumatism, when, in truth and in fact, it was not.

On December 13, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$1.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10391. Misbranding of olive oil. U. S. * * * v. William P. Bernagozzi. Tried to the court. Judgment of guilty. Fine, \$25. (F. & D. No. 13228. I. S. Nos. 14896-r, 14897-r, 14984-r, 15026-r.)

On November 2, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William P. Bernagozzi, New York, N. Y., alleging shipment by said defendant, on or about April 18, 1919, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Pennsylvania, of quantities of olive oil which was misbranded. The article was labeled in part: "Quarter Of Gallon Pure Olive Oil One Quart" (or "Half Gallon") "Pure Virgin * * * Imported and Packed by W. P. Bernagozzi * * *"

Examination of samples of the article by the Bureau of Chemistry of this department showed that the cans contained less than the amount declared in the labels.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "One Quart," "Quarter of Gallon," or "Half Gallon," borne on the respective cans containing the said article, regarding the article, were false and misleading in that they represented that each of the said cans contained one quart or one quarter gallon or one half-gallon of the said article, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained one quart, one quarter-gallon, or one half-gallon of the said article, as the case might be, whereas, in truth and in fact, each of said cans did not contain one quart, one quarter-gallon, or one half-gallon of the said article but did contain a less amount. Misbranding was alleged

for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 25, 1922, the defendant having waived a jury trial and the case having come on before the court for hearing, after the submission of evidence and arguments by counsel the defendant was adjudged guilty and a fine of \$25 imposed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10392. Misbranding of Pierce's Empress Brand tansy, cotton root, pennyroyal, and apiol tablets. U. S. * * * v. 12 Dozen Boxes of * * * Pierce's Empress Brand Tansy * * * Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13347. I. S. Nos. 10014-t, 10015-t. S. No. W-670.)

On September 1, 1920, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 dozen boxes of Pierce's Empress Brand tansy, cotton root, pennyroyal and apiol tablets, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by Robert J. Cotter, New York, N. Y., on or about March 25, 1920, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets contained iron sulphate, aloes, and pennyroyal oil.

Misbranding of the article was alleged in substance in the libel for the reason that the bottles or packages containing the said article and the accompanying circulars were each labeled in part as follows, (package) " * * * Tansy, Cotton Root, Pennyroyal and Apiol Tablets A Safe Emmenagogue. Always Reliable And Effective. The Best Known Remedy For The Suppression Of The Menstrual Function," (circular) " * * * Tansy, Cotton Root, Pennyroyal and Apiol Tablets * * * The Combined [Celebrated] Female Regulator * * * Delayed Menstruations When the suppression is of long standing * * * take one * * * until four days before the time when the menses should appear. * * * immediately preceding the expected appearance of the menstrual flow, active treatment should begin. Take one * * * three times daily, * * * follow * * * instructions * * * until the desired result is obtained. * * * Irregularities Where the menses are not regular, * * * are invaluable. Take * * * before the expected appearance of the menstrual flow [period] * * *," which statements were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On April 6, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10393. Adulteration of coal-tar color. U. S. * * * v. One 1-Pound Can and 3 1-Pound Cans of Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14819. I. S. No. 2567-t. S. No. C-2987.)

On April 19, 1921, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one 1-pound can and 3 1-pound cans of coal-tar color, remaining unsold in the original unbroken packages at Houma, La., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about February 25 and March 15, 1921, respectively, and transported from the State of Missouri into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, respectively: "No. 90, Lb. 1 Net W. B. Wood Mfg. Co., St. Louis, Mo. Yellow" and "1 Lb. Net W. B. Wood Mfg. Co. * * * Complies with all requirements. Warranted Quality Color Number 710 Contents Yellow" or "Contents Red."

Adulteration of the article was alleged in the libel for the reason that sodium chlorid and sodium sulphate had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it con-

tained an added poisonous or deleterious ingredient, to wit, arsenic, which might render it injurious to health.

On December 7, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10394. Misbranding of Bristol's sarsaparilla compound and Kemp's Anacahuaita pectoral compound. U. S. * * * v. 18½ Dozen Bottles of Bristol's Sarsaparilla Compound and 11 Dozen Bottles and 2½ Dozen Bottles of Kemp's Anacahuaita Pectoral Compound. **Consent decrees of condemnation and forfeiture. Products released under bond.** (F. & D. Nos. 14965, 14966, 14967, 14979. I. S. Nos. 10495-t, 10496-t, 10497-t, 10498-t. S. Nos. W-961, W-962, W-964, W-966.)

On June 2 and 4, 1921, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district labels for the seizure and condemnation of 18½ dozen bottles of Bristol's sarsaparilla compound and 13½ dozen bottles of Kemp's Anacahuaita pectoral compound, remaining in the original unbroken packages at San Francisco, Calif., alleging that the articles had been shipped by Lanman & Kemp, New York, N. Y., between the dates May 17, 1919, and July 18, 1920, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: (Bristol's sarsaparilla compound) (wrapper) " * * * For Impure Conditions Of The Blood, Supposed To Be Induced By Syphilitic Taint * * * And Marked By Rheumatic Or Neuralgic Manifestations, Skin Eruptions, Nervous and General Debility of the System, Loss of Appetite, Languor, Dizziness, and Inactive Liver, which often precede Bilious And Other Fevers And Jaundice. * * *"; (bottle in English and Spanish) " * * * Ulcers or Running Sores, * * * Soreness of the Throat, * * *"; (Kemp's Anacahuaita pectoral compound) (bottle label in English and wrapper in English, Spanish, and French) " * * * highly esteemed for its efficacy in Coughs, Throat and Bronchial Affections. * * *"; (circular accompanying a portion) (Spanish) "Pectoral de Anacahuaita * * * for affections of the chest * * * phthisis * * * It may be stated with all confidence that with the use of this valuable remedy very satisfactory results have been obtained in cases of persons seriously threatened * * * Pulmonary consumption, tuberculous phthisis * * * catarrh * * * epidemical catarrh or influenza * * * bronchitis * * * For the chronic bronchitis of old persons * * * when accompanied by coughs, and habitual irritation, copious expectoration, loss of strength, purulent sputum, coughs more violent by night and hectic and nocturnal sweats the Pectoral de Anacahuaita is invaluable. Whooping cough or convulsive cough * * * asthma * * * pleurisy, membranous croup or croup. This disease which is distinguished by inflammation of the upper part of the throat with deposit of a false membrane which completely obstructs the passage so that the patient is suffocated may be prevented when the first symptoms appear by administering an emetic and taking freely a remedy like Pectoral de Anacahuaita. For hectic fever which is usually accompanied by bronchial and pulmonary affections * * * Difficult respiration. All pulmonary diseases or those that affect the lungs are influenced by this remedy. It nips this disease in the bud * * *"; (circular accompanying the remainder) (English) " * * * Kemp's Anacahuaita Pectoral Compound is * * * for the relief of affections of the chest. While we may not go so far as to say that Kemp's Anacahuaita Pectoral Compound is a specific for Consumption, and that it will arrest the tubercular deposit after the disease has made serious ravages on the system, we nevertheless assert in good faith that with the use of this excellent preparation, good results may be obtained. We can recommend it highly to all who may be threatened by the disease, to arrest its progress and restore health. A preparation of this nature cannot but be regarded as a benefit, * * * Pulmonary Consumption. Phthisis Tuberculosis. * * * Spitting of Blood (hemorrhage) * * * cough * * * a great wasting of flesh. * * * hectic fever * * * copious sweats, diarrhoea, a great wasting of flesh and a wearing cough; * * * scrofulous symptoms. * * * from the very moment that the cough first appears, Kemp's Anacahuaita Pectoral should be taken * * * Catarrh * * * Epidemic Catarrh or Influenza * * * Anacahuaita Pectoral should be used * * * Bronchitis * * * expulsion of

the mucus and the reduction of the inflammation of the respiratory ducts. Anacahuita Pectoral can be safely recommended * * * it is beneficial in any stage of the ailment, * * * In the Chronic Bronchitis of the aged, or of persons addicted to intemperance, when accompanied by a cough and habitual * * * copious expectoration, loss of strength, purulent sputa, cough more severe at night and hectic night sweats, Anacahuita Pectoral should be taken. Whooping-cough or Convulsive-cough. * * * may be relieved if timely use is made * * * Asthma. * * * should * * * be taken * * * Pleurisy. * * * free use being made of Anacahuita Pectoral * * * Croup.—This disease, which is marked by the inflammation of the upper part of the throat, and the growth of a false membrane which completely closes the passage, so that the patient dies from suffocation may be avoided if on the appearance of the first symptoms an emetic is given and Anacahuita Pectoral administered freely. The hectic fever which usually accompanies bronchial and pulmonary affections may be arrested by taking Anacahuita Pectoral * * * Difficult respiration. All pulmonary complaints or those which affect the lungs are liable to present this distressing symptom. Relieve the trouble and remove the cause. Try Kemp's Anacahuita Pectoral Compound."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the pectoral compound consisted essentially of small amounts of vegetable extractives, magnesium and ammonium salts, approximately 25 per cent of sugars, 25 per cent of alcohol, and water; and that the sarsaparilla compound consisted essentially of one-third per cent of potassium iodid, small amounts of extractives of vegetable drugs, including a laxative drug, traces of volatile oils, 15 per cent of sugar, 11 per cent of alcohol, and water.

Misbranding of the articles was alleged in substance in the libels for the reason that the above-quoted statements appearing in the labeling thereof were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the curative and therapeutic effects claimed. Misbranding of the Kemp's Anacahuita pectoral compound was alleged for the further reason that the statement on the label, to wit, "Alcohol, 34 per cent * * *," was false and misleading, and for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained therein, since the statement on the said label was incorrect.

On September 17, 1921, J. Lawrence, Jr., having entered an appearance as claimant and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$500, conditioned in part that they be relabeled in accordance with the requirements and directions of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10395. Adulteration of oysters. U. S. * * * v. Golden & Co., a Corporation. Tried to the court and a jury. Verdict of guilty. Fine, \$50. (F. & D. No. 15002. I. S. No. 8817-t.)

On or about January 12, 1922, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Golden & Co., a corporation, Washington, D. C., alleging that on January 18, 1921, the said company did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of oysters which were adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for oysters, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, oyster solids, had been in part abstracted.

On January 12, 1922, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the court delivered the following charge to the jury (Hardison, J.) :

Gentlemen of the jury: If you believe from this evidence to the exclusion of a reasonable doubt that the defendant, Golden & Co., on the 18th day of January, 1921, within the District of Columbia, did sell to one Robert W. Thompson a certain article of food, to wit, oysters, which said article of food was adulterated, in that a substance, to wit, water, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality, you should find the defendant guilty as charged. Unless you so believe, you should find the defendant not guilty. The defendant is presumed to be innocent until proven guilty to the exclusion of doubt, and that presumption of innocence accompanies him throughout the trial until overcome by proof satisfactory to you that he is guilty. A reasonable doubt, gentlemen, is a doubt that would influence an ordinary prudent man in some action, and a reasonable doubt is nothing but a doubt, and a reasonable doubt does not allow you to go out and conjecture any more than the law requires you to convict the defendant without evidence that satisfies you of his guilt.

The first proposition to be established by the Government before it can expect a verdict at your hands is that a sale has been made by Golden & Co. The law is that when a man or a corporation does something through another it is responsible for what is done by its agent. If the defendant had an authorized agent out selling this product and he did sell it, it would be its act. The sale by the agent would be the sale by the company.

Now, it is alleged that this commodity was adulterated, and it is alleged here in the information that it was adulterated in several ways. I will read the information. [The court here read the information.] The gist of the offense is, gentlemen, the adulteration of the article, the selling after it had been adulterated, and if it was adulterated in any one of these ways, that would be adulteration. The act here with reference to adulteration provides that adulteration shall consist, first, if a given substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality and strength. That constitutes adulteration. It is not necessary for any individual oyster to be excepted. Each individual oyster might have all of its qualities and properties and virtues in it, although a great quantity of water had been put in a can, a container of oysters; but [if] after taking the given quantity of oysters water had been added to that bulk so as to dilute or make a greater quantity out of it and then sold for a greater quantity, that oyster or those oysters have been adulterated, and that constitutes adulteration. Or if you find that these were adulterated by the addition of any substance that would lower, reduce, or injuriously affect its quality or strength, that would constitute adulteration; or if any substance had been substituted wholly or in part for the article, that would constitute adulteration. Third: If any valuable constituent of the article had been wholly extracted or partly extracted. Fourth: If they had been colored or mixed with something that would color them. Of course, there is no evidence here tending to show any adulteration in that fourth manner, nor is there any evidence here showing adulteration in the third manner, because there is no contention here on the part of the Government, or any proof, to show that any particular oyster was injured or any properties or qualities had been extracted from it.

The theory of the Government and the proof is that there was an abnormally large quantity of water, a quantity materially in excess of what is ordinary in the run of the business; that is, the packing of oysters in the trade, in this section. It is that an abnormal quantity of liquid existed in this commodity. If that is true then that would constitute adulteration. It would not be anything more than right, I think, to make an allowance for a slight variation because you could not expect every can of oysters to have exactly the same quantity of liquid. You might make some allowance for a slight variation there.

Now, it is not necessary here for the Government to establish its case to show that Golden & Co. had—that Golden & Co. put this water in these oysters. It is not necessary if any water was put in. It is not necessary to show that Golden & Co. had any knowledge that water was put in if any water was put in. Because this law, whether wisely or not—it is not within our province to determine—has required that when a dealer furnishes food products to the public it is up to him to know what they contain and he can not hide behind ignorance, he can not say "I did not know" the stuff was adulterated. He must know. And it is immaterial whether he put the water in, if any was put in. It is immaterial whether the company put it in or whether the company

was a party to it or not, or whether the company knew it had been done, if it had in fact been done. Any excessive quantity of water, if it had been packed in these oysters, whether Golden & Co. had any knowledge of it or not, and they sold them in that condition, why then that would constitute the offense that is prescribed in this law.

So the case in its last analysis comes down to the proposition whether or not when these oysters were packed, an excessive quantity over and above what was in the run of the business, in the trade here in this section, was put in these oysters at that time. If that was done, whether Golden & Co. knew of it or not, if they handled an oyster in that condition, in which that had been done, then they would be guilty under this law.

I do not know that I could be of any assistance in reviewing the testimony. You heard it and paid careful attention to it. You heard the testimony here of the Government's witness as to the conduct of the employees and as to the taking of the samples. Of course, it is immaterial how big a bulk of oysters was taken, whether a can of oysters containing a gallon, or not, if an excessive amount of water was found in the sample. It is immaterial whether that was found at the bottom or the top of the can; if an excessive amount of water was in the can either at the top or bottom, that would constitute an adulteration of the oysters.

The question to consider is whether or not when the agent took the sample he got a fair sample of it. It might be if there was any more than a normal quantity of water, more than 6 per cent, that greater part was at the top of the can, for it has been shown by demonstration that the water comes to the top of the can. It might be that the sample was taken off the top and when the water had settled there, and that perhaps would not be truly representative of the quantity of liquid in the can, whereas if it had been stirred up before it would not show that excessive quantity. So it is proper for you to consider that in your deliberations. I do not mean to intimate by that that the proof shows that the agent was negligent in taking the sample. I simply mean to call attention to the fact in determining if he got a fair and representative sample, as fair a sample as this can could supply.

It is not necessary for me to say that this defendant stands here like any other defendant. The fact that it is a corporation and handles food products does not put it in a position different from any one else, and you ought not to be influenced by the high cost of living or any other consideration. This thing of adulterating food is, of course, a thing that ought not to go on, and wherever guilt is shown you should not hesitate to bring in a verdict of guilt, but still you ought not to be carried away by any hue and cry about the high cost of living, or a large corporation being engaged in the business, or anything like that. But you must go to the actual question, and the question to be determined is, Has this defendant committed this offense? If you are satisfied that he has, you must bring in a verdict against him, but you must be satisfied beyond all reasonable doubt. You should not let the high cost of living influence you. You ought to simply follow the straight edge of reason and logic in this case and decide the case on the evidence and the facts.

The jury then retired and after due deliberation returned a verdict of guilty, and, on February 23, 1922, the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10396. Misbranding of olive oil and compound oil. U. S. * * * v. 25 Gallon Cans and 55 Quart Cans of Olive Oil and 10 Gallon Cans of Compound Oil. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 15462, 15530. I. S. Nos. 15481-t, 15482-t, 15483-t. S. Nos. E-3603, E-3604.)

On October 7 and 10, 1921, respectively, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 25 gallon cans and 55 quart cans of olive oil and 10 gallon cans of compound oil, remaining unsold in the original unbroken packages at Bridgeport, Conn., alleging that the articles had been shipped by the Reliable Importing Co., New York, N. Y., on or about August 2 and September 9, 1921, respectively, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: "Olio D'Oliiva Puro Importato * * * Lucca Italia Vapore-Marina Brand Net Contents 1 Gal." (or "1 Quart") "* * * Sirota & Segerman, Importers &

Packers, Lucca, Italy, N. Y. U. S. A."; and "Contadina Brand Oil Superior Quality * * * A Compound Net Contents 1 Gal. * * * Contadina Oil Co., N. Y."

Misbranding of the articles was alleged in substance in the libels for the reason that the labels on each of the cans containing the said articles bore the following statements, respectively, "Net Contents 1 Gal." and "Net Contents 1 Quart," which statements were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 24, 1922, the Reliable Importing Co., New York, N. Y., claimant, having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10397. Misbranding of Dr. Weare's heave remedy and Dr. Weare's Cow-Health. U. S. * * * v. 108 Packages of Dr. Weare's Heave Remedy, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15496, 15497. Inv. Nos. 29548, 29549, 29550. S. Nos. E-3615, E-3616.)

On November 4, 1921, and January 28, 1922, respectively, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 152 packages of Dr. Weare's heave remedy and 15 packages of Dr. Weare's Cow-Health, remaining in the original unbroken packages at Spartansburg and Corry, Pa., respectively, alleging that the articles had been shipped by the Dr. Weare Medicine Co., Fairport, N. Y., on or about July 20 and August 12, 1921, respectively, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the heave remedy consisted essentially of linseed meal, wheat middlings, charcoal, iron sulphate, alum, and small amounts of copper sulphate and arsenic trioxid; and that the Cow-Health consisted essentially of linseed meal, wheat middlings, corn gluten feed, charcoal, ginger, iron sulphate, magnesium sulphate, sulphur, and salt.

Misbranding of the articles was alleged in substance in the libels for the reason that the following statements appearing in the labelings, regarding the curative and therapeutic effects of the respective articles, to wit, (heave remedy) " * * * Heave Remedy For Heaves, * * * Distemper, Epizootic, Worms, * * * for Heaves * * * Remedy for Chronic Cough, * * * and Distemper * * *," (Cow-Health) " * * * A Special Medicine For Cow Diseases. * * * Cow-Health Is a Remedy for Abortion (Slinking), Barrenness * * * Caked Bag * * * and all diseases peculiar to the cow. * * * To Prevent Abortion—In cases where the cow shows signs of immediate abortion, (generally about seven months) give two tablespoonfuls Cow-Health twice a day in warm mash until the danger is averted. In herds and localities where abortion is liable to occur through being epidemic, feed a heaped teaspoonful once a day for three months previous to the period when the abortion would be liable to occur. Barrenness—Give a tablespoonful twice a day for three weeks. If not effective, repeat. * * * For scouring calves give a heaped teaspoonful as above. To Remove Retained Afterbirth—Give two tablespoonfuls in hot mash, night and morning, until removed. * * * Cow-Health Is the result of many years of practical experimenting in the endeavor to find some specific which would prevent the losses to which profit in cows has always been liable. It contains powerful ingredients which have never before been used for the purpose, and to these discoveries is due the wonderful success of 'Cow-Health.' It acts directly and positively on the generative organs, * * * For Abortion. For Barrenness * * *," were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On March 7, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10398. Misbranding of cottonseed cake. U. S. * * * v. Ardmore Oil & Milling Co., a Corporation. Plea of guilty. Fine, \$150. (F. & D. No. 15556. I. S. No. 11658-t.)

On January 16, 1922, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ardmore Oil & Milling Co., a corporation, trading at Ardmore, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 25, 1921, from the State of Oklahoma into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: "Silo Brand Cotton Seed Meal Or Cake * * *."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Pounds Net," borne on the tags attached to the sacks containing the article, regarding the article, was false and misleading in that it represented that each of the said sacks contained 100 pounds net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 100 pounds net of the said article, whereas, in truth and in fact, each of the said sacks did not contain 100 pounds net of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 30, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10399. Misbranding of alimentary paste, macaroni, and spaghetti. U. S. * * * v. S. Viviano Macaroni Mfg. Co., Inc., a Corporation. Plea of guilty. Fine, \$20. (F. & D. No. 15597. I. S. Nos. 5302-t, 8598-t, 7101-t.)

On February 4, 1922, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the S. Viviano Macaroni Mfg. Co., Inc., a corporation, trading at Carnegie, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, from the State of Pennsylvania, on or about June 21, 1920, into the State of Massachusetts, of a quantity of alimentary paste; on or about June 30, 1920, into the State of West Virginia, of a quantity of macaroni; and on or about February 16, 1921, into the State of New Jersey, of quantities of macaroni and spaghetti; all of which were misbranded. The articles were labeled in part, respectively: "Alimentary Paste Pasco Brand * * *"; "Lanapoletana Made in U. S. A. Maruca Brand Naples Style Macaroni of Extra Quality * * *"; "Zitoni"; "Forati"; and "Spaghetti."

Misbranding of the articles was alleged in the information for the reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 18, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10400. Misbranding of Pabst's Okay specific. U. S. * * * v. 62 Bottles * * * of Pabst's Okay Specific. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10150. I. S. No. 6811-r. S. No. C-1196.)

On May 9, 1919, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 62 bottles of Pabst's Okay specific, remaining in the original packages at Dallas, Tex., alleging that the article had been shipped by the Pabst Chemical Co., Chicago, Ill., on or about February 24, 1919, and transported from the State of Illinois into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Pabst's O. K. Okay Specific O. K. * * * Pabst Chemical Co., Chicago, Ill."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba balsam, volatile oils including peppermint oil, extracts of vegetable drugs including buchu, uva ursi, and a laxative drug, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements appearing on the labels of the bottles containing the said article and in the accompanying wrapper, regarding the therapeutic and curative effects of the said article, were false and fraudulent in that it was intended by the said statements to claim that the said product was a treatment, remedy, and cure for the diseases of gonorrhea, gleet, urethritis, and chronic mucous discharges, and that the said product was a specific cure therefor, whereas the said article contained no ingredients or combination of ingredients capable of producing the effects claimed.

On March 3, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

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